

Sworn Statement of Jason Horton - August 3, 2022

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1 take a break.

2 A. I just don't want to bill the State for
3 my truck being towed.

4 Q. He had to park on the street. Of course
5 you have to pay for the -- you know how they are.
6 They won't tow you, but they'll give you a ticket.

7 A. I'm still looking for the customers that
8 I'm referring to. It is one customer, but literally
9 her check actually bounced. They had that promotion
10 running for a while. They stopped it. I don't know
11 the reason why it was stopped, but it was stopped.

12 Q. Would customers ask why -- why is FEMA
13 paying for my solar panel? Would anybody ever ask?

14 A. No. The customer seen an opportunity of
15 getting -- collecting \$3,500, and they wouldn't --
16 would not say nothing.

17 Q. Was it your understanding that this
18 rebate was essentially treated as a discount off the
19 purchase price?

20 A. The customer had the option to either
21 take the \$3,500 off of the system or be paid the
22 \$3,500, and the majority of the customers would
23 actually take the money.

24 MS. DANIELS-HILL: Do you know if
25 other sales reps were mentioning this on their own or

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1 if it was always Craig Kelley that brought this up to
2 the individual?

3 THE WITNESS: Craig Kelley was the
4 only person I spoke with. They had an additional 60
5 sales reps. They answered directly to other
6 management. I only answered to Craig Kelley. That was
7 the only person -- I did not want to deal with -- I
8 know you heard the statement of herding cats, and I did
9 not want to deal with a younger generation. They do
10 not have the same work ethic, and no offense towards
11 you.

12 BY MR. KEEN:

13 Q. That's okay.

14 A. I cannot find the lady's name, but Kay
15 Warren was actually the lady that called me and told
16 me that at the time the lady's check has bounced.

17 Q. Kay Warren?

18 A. Yes.

19 Q. Who is that?

20 A. She's at the appointment center. She's
21 also one that's over the training for all the
22 appointment centers.

23 Q. Over the --

24 A. The appointment centers, the call
25 center. I don't know what her official title is,

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1 but she handles the training for all the appointment
2 centers, the call centers, and whoever takes calls
3 on the customer's behalf.

4 MR. KEEN: Do you have any questions?

5 MS. DANIELS-HILL: Not before the
6 break. I don't want you to get ticketed.

7 MR. KEEN: Let's take a quick break,
8 because I think you paid your two hours right about
9 9:50. So it's 11:52 right now. So let's take a quick
10 break.

11 (Recess taken from 11:52 A.M.
12 to 1:20 P.M.)

13 BY MR. KEEN:

14 Q. I wanted to ask you real quick, when we
15 left off we were talking about promotions and stuff.
16 I had seen on a couple things where it says you can
17 save 50 to 90 percent on your electric bill. Do you
18 know, like, where does the 50 to 90 percent thing
19 come from?

20 A. That is based on your kilowatt usage.
21 If a customer purchases a battery, he can actually
22 save up to 90 percent, which you can actually read
23 on the back of the contract. They actually word it.
24 It has to do with the weather, the way that the
25 system sits. I will never say that it's a hundred

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1 percent accurate just based on the facts that we
2 know.

3 But, yes, they do offer anywhere from
4 between 50 to 90 percent. The majority of the
5 customers does not buy the larger system. They only
6 want to save about 50 to 60 percent of the -- of their
7 cost of electricity. Probably out of the -- I don't
8 know how many customers I've sold to in the past, but
9 hardly -- a very few of them -- let's say out of a
10 hundred probably would purchase a large -- large enough
11 system to power their home.

12 Q. So, just to be clear, the 50 to
13 90 percent, we're saying that's a representation
14 that Solar Titan makes that the customer who's
15 purchasing the system will save 50 to 90 percent on
16 their monthly utility bill?

17 A. That's correct.

18 Q. Not that they'll cut their usage down by
19 50 to 90 percent?

20 A. No. They would save anywhere from 50 to
21 90 percent on their current bill. So if a customer
22 had a bill of \$100 a month, they can save up to \$90.

23 Q. And that's representation that's made on
24 the contract that they actually sign?

25 A. The wordage of it on the back of it --

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1 how it's actually worded -- I've not actually read
2 this full thing thorough, but it has some wording on
3 it. Here it is. When you look at some of the
4 offsets -- you can actually have that.

5 Q. Can you tell me what this is?

6 A. This here is -- we call it a commitment
7 form. When we show a customer a system, we'll show
8 him two systems. We'll show him a 50 percent up to
9 a 70 or 80 percent one, and the customer has the
10 option to choose. He chose a 4 kilowatt versus the
11 6 kilowatts, and he is going to receive that much
12 savings in the system. But also in fine print --
13 it's wrote here at the bottom -- due to the weather
14 and stuff like that.

15 Q. So that basically is saying the
16 estimated savings is subject to variances in the
17 weather and the placement?

18 A. Correct. And it's also sourced too on
19 the back of the agreement in this fine print I'm
20 looking at here too, and I am not for sure which
21 paragraph it's actually in. You can actually take
22 that in if you need to.

23 Q. So is this telling me that this customer
24 was told if he got the 4 kilowatt system, he would
25 save 50 percent on his electric bill?

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1 A. Yes.

2 Q. But if he got the 6 kilowatt, he would
3 save 90 percent?

4 A. No, no. The customer would show three
5 different prices -- three different systems. The
6 three I showed him was a 4, a 5, or a 6. And the
7 largest was the 6 for a larger saving. That
8 customer did not want a large system. He wanted
9 just to offset it.

10 MS. DANIELS-HILL: So how much would
11 4 kilowatts save?

12 THE WITNESS: Four kilowatts per month
13 would save him -- probably would have saved him about
14 \$40 a month. His current electric bill is roughly
15 about \$60 a month. And that is in Louisville,
16 Kentucky.

17 BY MR. KEEN:

18 Q. So in this case is -- if the system
19 works as it should, he would actually save this
20 amount of money?

21 A. That is correct.

22 MS. DANIELS-HILL: And you said this
23 is in Kentucky. Is that because they have a buy-back?

24 THE WITNESS: Kentucky has what's
25 called a net metering. They do what's called a

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1 one-three. Every kilowatt that you -- one-three they
2 give you like three to four cents per kilowatt. It
3 used to be one for one, Kentucky was, but Kentucky law
4 changed it and it's a one for three now.

5 MS. DANIELS-HILL: So when you're
6 calculating this is how much he's saving on the bill,
7 it's based off of the one to three?

8 THE WITNESS: Yes. It's based off of
9 this right here. This is what we look at to determine
10 the size of the system that is being built for the
11 customer.

12 MS. DANIELS-HILL: So if there's -- is
13 this a similar thing that you would give a customer in
14 Tennessee?

15 THE WITNESS: Yes. It's the same
16 form.

17 MS. DANIELS-HILL: So how would you
18 determine it in Tennessee when we don't have net
19 metering?

20 THE WITNESS: Tennessee -- all systems
21 in Tennessee are sold on battery. The battery is the
22 best thing with a Tennessee system because all your
23 excess power that you produce goes into the excess of
24 the battery.

25 MS. DANIELS-HILL: So you're giving

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1 customers the same 50 to 90 percent, but what is that
2 being based off of when they're talking about a

3 Tennessee customer?

4 THE WITNESS: It's based off of the
5 current electric bill. Let me find what I'm looking
6 for so I can actually demonstrate what you're fixing to
7 ask or lead up to your question there.

8 Would you repeat your question one
9 more time just to make sure I'm on the same page?

10 MS. DANIELS-HILL: Yes. What I want
11 to figure out is how are you trained to explain what
12 the savings would be for Tennessee consumers when
13 Tennessee doesn't have net metering?

14 THE WITNESS: Tennessee does not have
15 net metering, you are correct, and that's where the
16 battery comes into play with that. With a solar
17 system -- let me explain this so you'll understand how
18 it actually works. I think you know the workings of
19 it.

20 A Kentucky system -- all the energy
21 that you produce excess goes back into the grid. That
22 is where LG&E and Kentucky Utilities actually gives you
23 credit for on your bill. What they call that -- they
24 call it kilowatt generated.

25 So in Tennessee, Tennessee actually

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1 cut out the buyback. They cut it out in December of
2 2019. And what TVA allowed us to do at the time was
3 store all the excess power that your system produced --
4 to place it in a battery for nighttime storage.

5 MS. DANIELS-HILL: But how do you know
6 when it's based on the battery -- how does that
7 translate to savings?

8 THE WITNESS: It's kilowatts purchased
9 from the electric company. So you're actually storing
10 your excess power that you produce in the battery, and
11 at nighttime you are pulling from the battery versus
12 pulling from the grid.

13 MS. DANIELS-HILL: But how do you know
14 how much you'll pull from the battery instead of from
15 the grid?

16 THE WITNESS: The batteries they
17 offer -- one is a 9 kilowatt hour. So that battery
18 will store 9 kilowatt hours. To answer your question,
19 I'm thinking you want to know how many kilowatts does
20 the customer use at nighttime? I do not know that. I
21 just know what the battery will store based on a
22 general day. An average customer probably used 25
23 kilowatts per day, and we know that the battery will
24 store 9 and 9 of that 25-plus is what the system
25 produces per day.

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1 MS. DANIELS-HILL: And then what
2 happens to the energy if it's not used that night

3 that's been stored into the battery if you can only
4 store up to nine?

5 THE WITNESS: It's still stored in the
6 battery.

7 MS. DANIELS-HILL: So then are you
8 guys -- I say "you guys." Are sales reps then using
9 the Exhibits 5 and 6 to determine how much people will
10 save?

11 THE WITNESS: Prior to that, yes.
12 Prior. That all changed in October of last year. They
13 sent out another updated form which is part three of
14 that that we do not have. I only have one and two, but
15 your second exhibit on your back side is to
16 determine -- the one that's highlighted in yellow is
17 what the customer is going to spend the next 10 years.
18 That is something they have already calculated up for
19 us.

20 MS. DANIELS-HILL: That's Exhibit 6?

21 THE WITNESS: Yes. So if a
22 customer -- will you lay out here where I can
23 actually -- would you bring Exhibit 6 back out one more
24 time?

25 MS. DANIELS-HILL: Sure.

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1 THE WITNESS: Just to explain in
2 detail so I understand if a customer's electric bill
3 right now is currently \$110 a month, in the next 10
4 years his electric bill is going to be \$171 a month
5 based on the numbers they've added up. In 20 years,
6 the customer who was normally 110 will be paying 277.
7 That's how that is actually added up for like that.

8 MS. DANIELS-HILL: Is that based off
9 of inflation?

10 THE WITNESS: That is based off of
11 inflation, correct.

12 MS. DANIELS-HILL: So then that just
13 tells people how much extra they might pay if they keep
14 paying their electric. It doesn't tell them how much
15 they save by going solar.

16 THE WITNESS: When you break it
17 down -- let me break it down for you then so you
18 understand that part. So if a system is 50,000, based
19 on the 26 percent discount if they receive it, this is
20 the federal tax credit. That brings their total cost
21 down to 37,000. If the customer -- 50,000. He'll be
22 paying \$200 a month.

23 The \$200 a month is what's called the
24 anyway money. That's money they're going to be
25 spending anyway. If you go up there and look at \$200 a

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1 month -- if you look at a 10-year versus a 20-year --
2 so in 10 years the customer will spend \$30,000 just on

3 his electric bill based on these numbers here,
4 including inflation. His system cost is 37,000.
5 That's if he gets the \$13,000 tax credit.

6 See, that's how everything is rolled
7 down to the actual cost. Then in 20 years he's going
8 to spend \$79,000 if the electric continues to go up,
9 and it does. However you look at it, electricity goes
10 up every year just a little bit. And that's how one of
11 the sales pitches happens. Literally the ROI on this,
12 return on investment, is going to be less in about 15
13 years. The customer will actually make his money back.
14 So, literally, it's just moving the same money they're
15 spending right now over here (indicating).

16 MS. DANIELS-HILL: But then they
17 finance this too; right?

18 THE WITNESS: They finance this
19 number.

20 MS. DANIELS-HILL: They finance the
21 50,000?

22 THE WITNESS: Uh-huh.

23 MS. DANIELS-HILL: So then won't they
24 be paying way more than 50,000 in the long run?

25 THE WITNESS: Yes, they do.

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1 MS. DANIELS-HILL: So wouldn't that
2 potentially be more than what they're paying with the
3 cost of inflation?

4 THE WITNESS: It is.

5 MS. DANIELS-HILL: Is that explained
6 to the customer?

7 THE WITNESS: Yes, it is.

8 MS. DANIELS-HILL: So why do customers
9 still sign on if they don't end up feeling like they're
10 going to save?

11 THE WITNESS: When a customer signs
12 up -- to just explain that side of that. When a
13 customer signs up, he actually signs the paperwork.
14 It's a 699 fee. He knows he pays interest. He
15 actually goes through and initials everything. He also
16 has what's called a welcome call from Solar Mosaic, and
17 Solar Mosaic actually calls him on the phone and
18 verifies all his information and goes through step by
19 step.

20 So when the customer is in the
21 paperwork part of this filling out the paperwork, he
22 actually sees everything line for line. So, I mean,
23 the customer is acknowledging that he actually sees
24 that.

25 MS. DANIELS-HILL: So I guess what I'm

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1 asking, though, is why is the customer still convinced
2 if they're spending the same amount on solar as they
3 will for their electric bill if the cost of inflation
4 is still less than the amount he would pay in
5 finance -- he or she were paying financing?

6 THE WITNESS: That's a question I
7 cannot answer, because I do not know what the customer
8 actually thinks, but the customer actually wants their
9 own power plant to power their own home.

10 MS. DANIELS-HILL: So then you say
11 that Solar Mosaic calls and does the welcome call, and
12 that's when they go through line by line how much total
13 they're paying. Is the sales rep usually present for
14 that?

15 THE WITNESS: Yes. Not all the time,
16 now. It's probably a 50/50. Sometimes we're out of
17 the home when Mosaic calls and sometimes we're not.
18 There's some customers that we've dealt with in the
19 past that has needs, and we have to stay and just
20 because we can't get outside of the home.

21 Normally when Mosaic calls, it's about
22 15 minutes later where they -- the rep should already
23 be done and completed and done, but if the rep hangs
24 out or whatever, they normally will witness the call
25 like that.

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1 MS. DANIELS-HILL: So when the sales
2 rep leaves, though, the sales rep is getting a
3 signature on an Installation Agreement.

4 THE WITNESS: He's already got that.

5 MS. DANIELS-HILL: So at that time if
6 Mosaic hasn't made the call, how does the customer know
7 the total amount they're going to end up paying the
8 finance company?

9 THE WITNESS: They have a sales
10 agreement left with them.

11 MS. DANIELS-HILL: But the sales
12 agreement doesn't tell you the breakdown of the
13 payments?

14 THE WITNESS: No, no. That's handled
15 by two different things.

16 MS. DANIELS-HILL: So it's possible
17 that by the time the sales rep leaves, they don't know
18 the total amount they're paying in financing?

19 THE WITNESS: Yes, they actually do
20 know, because the customer has to log into his email
21 account, accept the terms -- he literally goes through
22 this with his -- I think he probably enters his social
23 security, his date of birth, and he actually gets his
24 the downloaded copy of the --

25 MS. DANIELS-HILL: For the financing.

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1 I'm talking about if Mosaic hasn't called yet for the
2 customer to set up their account --

3 THE WITNESS: Prior.

4 MS. DANIELS-HILL: -- then when the
5 rep leaves, the only thing they have is the install
6 agreement; right?

7 THE WITNESS: That is correct.

8 MS. DANIELS-HILL: The install
9 agreement doesn't breakdown the financing?

10 THE WITNESS: No.

11 MS. DANIELS-HILL: That's what I
12 wanted to clarify.

13 THE WITNESS: They keep that two
14 separate things.

15 MS. DANIELS-HILL: Okay.

16 BY MR. KEEN:

17 Q. So like for Mr. Coomer, for example --
18 and I don't think that we need to make this an
19 exhibit necessarily, unless you think it's
20 necessary. But I just want to use this to
21 understand --

22 A. Richard Coomer is a customer you want
23 to reach out to or share information with for the
24 Kentucky's AG.

25 Q. So whenever he signed up -- like let's

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1 say he got his system installed. Is there any
2 chance at all that he actually isn't going to see
3 savings of 50 percent on his electric bill?

4 A. If the company does not do the job
5 correctly, yes.

6 Q. Like, if it's not operating at full
7 capacity?

8 A. That is what I'm finding about is when I
9 turn paperwork over, I have nothing else to do with
10 it. That's all the reps across the board. That's
11 all handled by a company. Everything is submitted
12 in, and then -- we're not even allowed to leave our
13 phone numbers behind at all. We have a business
14 card with a number at the office, and as far as
15 leaving your phone number there, you're not allowed
16 to do that. So, like I said, when everything is
17 submitted in, we don't see -- we don't hear nothing
18 about it.

19 MS. DANIELS-HILL: I just have one
20 clarifying question, because I want to make sure I'm
21 tying all these back together. So then your estimated
22 savings that you're explaining to customers is based on
23 what originally was what you were telling customers was
24 Exhibit 4?

25 THE WITNESS: Correct.

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1 MS. DANIELS-HILL: So if this was
2 incorrect information, then their savings would be much
3 less?

4 THE WITNESS: That is correct. And
5 that is incorrect information. I don't know -- let
6 me -- let's walk through that too so you understand how
7 you actually average a system out. So if we did a
8 basic system, let's say 4,000, which is actually 4
9 kilowatts. At 4KW equal to a 4,000 kilowatt. The
10 majority of the panels that they installed is a 370,
11 which is a lower-grade panel.

12 You would literally take 4,000 divided
13 by 370. It comes out to 10.1. You would take the
14 10.1 -- the 10.81, multiply by 1.7. That will give you
15 how much the system produces per day. Then you would
16 take that and multiply that by 30. And that's per
17 month. So that's on good days. That's actually in the
18 laboratory in the perfect ideal condition. Not what's
19 on that piece of paper that you've got there. Then you
20 can see how bad the numbers are blown out of
21 proportion. I did not learn this until last year.

22 BY MR. KEEN:

23 Q. Just for the record, what you're saying
24 is that this 4 kilowatt system would produce 500 on
25 the best possible day. 551 kilowatts --

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1 A. In a laboratory setting, yes.

2 Q. Okay. And Mr. Coomer was using
3 1,000 kilowatts a month?

4 A. That's correct.

5 Q. And so that's how you come up with that
6 550 is roughly 50 percent of the thousand?

7 A. That's correct.

8 Q. Okay. I understand. Why did he sign
9 his name here?

10 A. They have always asked the customer to
11 sign their name to acknowledge that he has been
12 shown that. See, a lot of this paperwork that
13 you're seeing is not geared to the customer. The
14 only thing that they want the customer left is this
15 right here. They have what's called a pink copy
16 which is on the back.

17 Q. Like a carbon copy?

18 A. Yes, but it has all the same
19 information. I mean, they give them other
20 paperwork, but all that paperwork is literally just
21 words, language with other companies that's going
22 solar, by Apple, ijuicz Solar.

23 Q. So this signature doesn't really mean
24 anything? It's not like he's saying, yeah, I'm
25 agreeing to buy this?

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1 A. It doesn't mean nothing until the
2 customer comes back and states that the system is
3 not working. So when the customer comes back and
4 this is something that I've already dealt with in
5 the past, and that's -- that's when everything
6 started boiling up.

7 That system is supposed to produce anywhere
8 between 6- and 800 kilowatts. That's actually off the
9 new thing. Now, Mr. Coomer did not move forward.
10 Mr. Coomer is the one that actually canceled -- one of
11 them. Let me think. No, Mr. Coomer didn't move
12 forward, but his system will produce what he -- because
13 his electric bill was less than -- he actually used a
14 lot less energy than the average person does.

15 I thought I just had his electric bill in
16 my hand. Mr. Coomer actually I think on a good day --
17 on a good month he might use 600 kilowatts. So that
18 system will produce everything that it will say it will
19 produce.

20 Q. Let me ask you real quick before you go,
21 you mentioned Craig Kelley is the CEO, Sarah
22 Kirkland is the COO, and then Richard Atnip is the
23 CFO.

24 A. Richard Michael Atnip. He goes by
25 Richard Atnip or Michael Atnip.

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1 Q. And he's Craig Kelley's partner?

2 They're married; is that right?

3 A. That's what I've been told, yes.

4 Q. What role does Mr. Atnip play in the
5 company?

6 A. I've never actually seen him in the
7 company. So I couldn't -- I mean, very little. As
8 far as when you're out -- we have what's called
9 picnics occasionally. Nothing from the company.
10 From what I have actually seen and witnessed,
11 everything is ran by Craig Kelley and Sarah
12 Kirkland, from what I have witnessed with my own
13 eyes.

14 Q. So even though he's listed as the chief
15 financial officer, he's not really involved in the
16 day-to-day runnings?

17 A. No, no.

18 Q. Do you know what he does with the
19 company?

20 A. No. I can't begin to tell you that. I
21 know he's retired Air Force.

22 Q. He is or that's just what he says?

23 A. That's what he says.

24 Q. Is there a reason why his name would be
25 put on stuff like, say, the articles of

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1 incorporation and Craig Kelley's name would not be
2 put on that?

3 A. I'm assuming that has to do with Craig
4 Kelley's background, his past, of the -- of what
5 I've learned of his criminal background, because he
6 is -- I've been told that he is a felon. That's
7 what I'm assuming why his information is nowhere on
8 nothing.

9 MS. DANIELS-HILL: Who told you that?

10 THE WITNESS: Huh?

11 MS. DANIELS-HILL: Who told you that
12 he was a felon?

13 THE WITNESS: I actually had -- Shawna
14 Helton told me that, and then I actually asked another
15 gentleman and then got confirmation that it was for
16 sure.

17 BY MR. KEEN:

18 Q. Do you know if Craig has ever been
19 married to anyone else?

20 A. I don't know him that well.

21 MR. KEEN: Anything else about
22 Mr. Atnip that I need to ask right now?

23 MS. DANIELS-HILL: I just wanted to
24 get some clarification. So when you're saying Sarah
25 Kirkland and Craig Kelley, to your knowledge, were the

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1 ones running everything, I can tell that you always
2 direct report back to Sarah Kirkland and Craig Kelley.
3 What other things would you say they're normally the
4 ones in charge of? I know you mentioned another
5 employee who also had to report to Craig.

6 THE WITNESS: Pretty much the sales
7 and marketing is ran by Craig Kelley. The operations
8 is ran by Sarah Kirkland. That's the installation.
9 But I have seen Craig oversee her, and from what I've
10 seen things is he got involved in operations back last
11 year and changed stuff. At one time our systems used
12 to work correctly, and since his hand has touched it,
13 it is a half A-S-S, trying to be polite with that word.

14 But the operations side has changed
15 dramatically, and things has not ran as smooth as it
16 used to be ran. We used to at one time could sell a
17 system and in four to six weeks have it up and running
18 and operational with no problem. Eight weeks at the
19 max. And then involvement happened and COVID was used
20 as an excuse for many times for our pay and also used
21 for installations, permits.

22 That is something that customers has
23 told me feedback is -- is why are you guys -- you know,
24 how come the electric company is calling me to move
25 forward and you guys can't even get your things

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1 installed or done right?

2 A great customer to call on that is

3 David Evenson. I don't know if you have spoke with him
4 or not, but he's here in Nashville. He is one that has
5 had many, many problems. And from what I have followed
6 with David, he has done everything that he could and
7 Solar Titan has failed to get things in place. There
8 are many other customers too on this list that would
9 have the same complaint or the concern of what's
10 happened from the installation side.

11 As far as of the sales side, I want to
12 think that all the sales reps does the correct job. I
13 don't know that. All the gentlemen that I have trained
14 have either been fired or resigned, and -- but I want
15 to think 90 percent of it is on the installation side
16 when we turn things over, because it's pretty much --
17 it's went downhill from there.

18 Customers that I know of personally is
19 not happy at all. Stuff is not being done correctly or
20 being done to code or they're installed without permits
21 and having crew members running electrical where you
22 should have electricians. They're turning systems on
23 or connecting to the actual box where a certified
24 electrician should be used there.

25 From hearsay, a woman got electrocuted

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1 in Georgia. I don't know all the details. I was
2 informed on that from a letter that I was sent from
3 Shawna Helton's resignation, and I've been informed by
4 other people that have about been shocked or killed or
5 from misplacement or just bad operation side of things.

6 We've also had a couple customers --
7 one of my customers in the past -- I think his home
8 caught on fire because of the wiring that one of our
9 installers, not an electrician, wired it. Let's see.
10 That's happened. I know that's happened a couple of
11 times. There's a doctor in Knoxville that the system
12 was not even -- it was a large sale. It was about a
13 hundred thousand dollar sale, and they had to -- pretty
14 much had to force the customer to sign an agreement to
15 get him to hush, and they gave him a bunch of stuff.

16 BY MR. KEEN:

17 Q. What happened with that?

18 A. The system did not work correctly. It
19 never was installed correctly. And they spent many,
20 many times over their trying to get things working.
21 That customer's name is David Gerkin. His name is
22 on the list that I gave to you. He is number 22 on
23 that list.

24 Q. Okay. I have a couple follow-up
25 questions just based on what you just asked -- or

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1 not what you just asked -- what you stated.

2 A. Okay.

3 Q. You said some sales reps have been
4 fired. Why would they be fired?

5 A. They would quit because anytime that a
6 rep would give lip back or concern, they would let
7 them go. They did not want a rep to ask questions.
8 And some has been fired because of drugs and just,
9 you know, petty -- I wouldn't call that petty stuff.
10 But, you know, that's pretty -- but the majority of
11 the reps that I knew was fired because they either
12 made a comment about something -- about something
13 that was not done correctly and -- or a customer
14 continued to call and then they let him go because
15 they didn't want to fool with them and they didn't
16 pay them.

17 Q. And you may not know about this and I
18 don't want to spend a lot of time about it, but can
19 you tell me a little bit of the hiring process for
20 sales reps?

21 A. I don't know nothing about it. That
22 would be a Shawna Helton question.

23 Q. But you don't know if they did, like,
24 background checks?

25 A. I couldn't tell you nothing about it.

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- 1 Q. The woman in Georgia who was
2 electrocuted, are you saying that that was a Solar
3 Titan customer or Solar Titan employee?
- 4 A. That was an employee.
- 5 Q. Do you know her name?
- 6 A. I do not.
- 7 Q. And she was an installer?
- 8 A. She was an installer in the Southern
9 Alabama area -- Southern Georgia area. My
10 correction. It was her and another gentleman that
11 actually got electrocuted. Like I said, this is all
12 hearsay that it came from an email from Shawna
13 Helton. You will need to follow up with her. I
14 don't know if you guys have actually spoken with her
15 or not, but you -- that will be a lady that you will
16 need to -- she can actually fill in a lot of the
17 blanks of the stuff that I don't know, like this
18 here. This was -- like I said, this was in an
19 email. As far as verbally, that was what I was told
20 from her. It was a woman with a baby and there was
21 another gentleman involved in it. He actually went
22 to knock her off. I think she drove directly into
23 an amper box, the actual electrical box. That's
24 what I was told about it.
- 25 Q. This was -- she was I assume not a

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1 licensed electrician?

2 A. No, she was not. She was an employee

3 being trained. They believe in training employees
4 on-the-job.

5 Q. The home that caught on fire because of
6 wiring -- where was that?

7 A. That was in Kentucky.

8 Q. Do you remember the name of the customer
9 or where exactly in Kentucky?

10 A. I do not, but I can look. Continue with
11 your next question while I look here.

12 Q. Do you know what happened with the home
13 fire? Did Solar Titan cover it?

14 A. I do not know all the ins and outs of
15 it. The day of the fire, the customer reached out
16 to me and was very angry, and I can understand why.
17 I directed him to the company and actually speak to
18 Sarah Kirkland. Then I got in trouble for that too.

19 Q. What do you mean you got in trouble?

20 A. That I should not be giving out Sarah's
21 name.

22 Q. Even though this guy's I presume home
23 caught on fire?

24 A. Craig Kelley -- when you actually meet
25 him, if you ever do, he is a narcissistic

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1 personality. He believed -- he believes -- that
2 kind of personality believes everybody is out to get
3 him and it's never his fault. That's the
4 personality that he actually has.

5 So even though the customer's home caught
6 on fire and he lost everything that he had, he still
7 believes that it was not his fault or the company's
8 fault.

9 Q. So your understanding is that the fire
10 was a total loss type of fire?

11 A. That's what I'm understanding.

12 Q. But nobody died or got hurt?

13 A. I do not know that. Just from the call
14 that I had, it was a very short call. Literally the
15 system was installed, turned on that day, and that
16 night it caught fire before the electricians were
17 even on site to do the system.

18 Q. Now, I know most customers pay with
19 financing, either through Solar Mosaic or this new
20 company Dividend -- what's the name of the third one
21 again?

22 A. You have Mosaic. You have Sunlight, and
23 you have Dividend.

24 Q. What percentage of customers would you
25 say pay out of their own -- like, they don't use

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1 financing; they pay out of their own pocket?

2 A. Probably 1 percent.

3 Q. Okay. How did they pay -- that
4 1 percent of customers -- how did they pay Solar
5 Titan?

6 A. They either would pay by check or by
7 cash.

8 Q. Like -- cash like bills?

9 A. Yes.

10 Q. I assume they are written a receipt when
11 they are paid?

12 A. They have a sales agreement, and that's
13 all they had. Just like this right here
14 (indicating).

15 Q. Okay. I gotcha. How was the money
16 collected for customers who paid by cash?

17 A. By cash, it was all given to Craig
18 Kelley, and checks too was also given to Craig
19 Kelley.

20 Q. Do you know -- were checks made out to
21 Ideal Horizon or were they made out to Solar Titan?

22 A. It was made out to Solar Titan.

23 Q. Okay. Is it your understanding that all
24 that money was properly accounted for?

25 A. It was my understanding when I actually

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1 counted the money and passed it to there -- to the
2 individual, Craig would either confirm it's there
3 and they would move forward. Literally when the --
4 when I say when the sales happened and when I turned
5 everything over, I had nothing else to do with it.

6 I mean, literally, checks, paperwork,
7 whatever -- it was all turned over. Cash, card.
8 Customers would pay by credit card. Literally, they
9 would get their credit card number. They would run it
10 through a machine at the office, confirm, give me an
11 authorization number, and then we would be done there.

12 Q. Did the company have a different account
13 for depositing funds from customers who paid by cash
14 or check or card?

15 A. Yes. They had what's called a separate
16 fund. I do not have the account number no more.
17 There's a gentleman that will -- that does -- he
18 actually takes a picture of that, but all checks or
19 cash was dropped into an account separate from what
20 the company had. I'm assuming. I don't know that a
21 hundred percent. Like I say, all the checks or cash
22 that I was given by customers -- all of that was
23 handed to Craig Kelley. Like I say, I answered
24 directly to Craig Kelley. He was the only one I
25 answered to.

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1 MS. DANIELS-HILL: How did you become
2 aware of the separate account for customers that
3 weren't financing?

4 THE WITNESS: A sales rep. He called
5 me -- he looked at me for any kind of advice. His name
6 was Mike Hill. Mike would call and ask questions.
7 Occasionally they would have me come in to -- when they
8 brought in new reps to let me talk a little bit. I got
9 to the point I didn't want to go no more. But Mike and
10 I took up. He was a great guy, and he called me one
11 day. He said, "Jason, he said it's real great -- it's
12 real good the company has their own jet. You know,
13 only been in business two years." And he said, "It
14 doesn't make sense why they have this and they can't
15 pay us."

16 Mike was in Alabama. That month in
17 Alabama he should have made about \$70,000 commission.
18 They only paid him about half, and they told him that
19 his remaining of his sales canceled. And even though
20 he went back down and seen that they was installed. He
21 decided to leave that day. He left pretty much that
22 month. A lot of his customers paid with cash, and he
23 was the one that informed me of the check -- of the
24 separate account, that it was like 26 to \$28 million in
25 that account, and it was under a different name. It

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1 was not under Solar Titan USA. It was under some --
2 the guy's name was -- I don't think he said Michael,
3 but I don't know who the actual guy -- I never heard
4 the guy's name.

5 Literally, when Solar Titan was
6 started, there was only three, which was Craig,
7 Michael, and Sarah. I came on about board. Kay Warren
8 came on board. Shawna Helton came on board, and Lakea
9 came on board. That was the original ones that came on
10 board. As far as the employee, it was me, Kay, Shawna,
11 and Lakea.

12 MS. DANIELS-HILL: When you say Mike
13 Hill told you about the separate account, how did Mike
14 explain that he came to know about the second account?

15 THE WITNESS: In Alabama, Mike had a
16 sales team and they all reported to him. And anytime
17 they had a cash transaction or a check, he had
18 authorization to go drop the check in that account.
19 Mike Hill also answered directly to Shawna Helton.

20 BY MR. KEEN:

21 Q. You said the account name might have
22 been Michael. Is it possible that it was Michael
23 Atnip?

24 A. No, no. It was a weird last name that
25 I've never heard of.

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1 MS. DANIELS-HILL: So if he had
2 authority to deposit checks, was he also then
3 depositing, like, any kind of money from the finance
4 company --

5 THE WITNESS: No.

6 MS. DANIELS-HILL: -- into a different
7 account?

8 THE WITNESS: The finance company
9 comes directly into the Bank of America account, but
10 that was -- I was told that was a separate account for
11 the cash customers. The lady who was actually over
12 that -- her name is Stacy Monk. I think that's her
13 last name. She is the general manager -- they called
14 her a corporate general manager. She oversees all the
15 financial everything.

16 BY MR. KEEN:

17 Q. Is Stacy still there?

18 A. Yes, she is.

19 MS. DANIELS-HILL: So she received the
20 checks from -- or the payment from the finance company?

21 THE WITNESS: She received the wire
22 transfers into there, and her name -- another lady
23 that's involved in that -- there was actually two
24 ladies involved in that. The second -- the first lady
25 is Jessica Real, and I don't know how the actual last

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1 name is spelled. Maybe it's R-H. And then the other
2 lady that was involved in that was a lady named
3 Sarah -- Sarah D. I call her. Dorsemer. I can't
4 pronounce her last name.

5 BY MR. KEEN:

6 Q. Dorsemer?

7 A. Dorsemer. If she were to ever come
8 forward and have a conversation -- she is worried
9 about her safety.

10 Q. Have you talked with Sarah Dorsemer?

11 A. I've talked to her.

12 Q. And she told you that she's worried
13 about her safety?

14 A. Yes.

15 Q. Has she explained what that -- what does
16 she mean by she is worried about her safety?

17 A. She does not want no one to know nothing
18 about her personally. She is just worried that --
19 she just says that she's worried about my safety. I
20 don't know why, but that's just something that she
21 said.

22 But she would be a great person to have a
23 conversation with and probably could fill in the
24 details of the financing -- of what she has told me,
25 and that goes right back to floating the books, the

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1 floating the cash. She would be the one that
2 actually -- from what she told me in a conversation at
3 the office was, each week -- let's say, for example,
4 that there was 10 customers that canceled. She was
5 only told to release three a week. So each week, if
6 they had 10, up to 52, she was only told to release
7 three to four a week because of cash flow.

8 Because as soon as the Mosaic companies --
9 the finance companies find out the customer has
10 canceled, they automatically withdraw the cash from the
11 contract. That's what they call their cash spending.

12 Q. So one reason why they wouldn't cancel a
13 customer out is because they had already spent the
14 money that came in? Is that your understanding?

15 A. That is how I understand things.

16 Q. Okay.

17 A. I do know last year that the owners got
18 together -- that is Craig, Michael, and Sarah, and
19 they had "X" amount of money in the account, and
20 they decided to give themselves a hefty raise. And
21 the money that the company used to flow is no longer
22 there. Since then Sarah has purchased her a million
23 dollar -- million and a half dollar home and
24 upgraded it.

25 So, like I said, there's a lot of money

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1 flowing to the owners. The money that used to flow to
2 the employees is pretty much trickled down or they're
3 not being paid at all.

4 Q. And money that presumably should be used
5 for customer service is not --

6 A. That is correct, yeah. I have heard the
7 customer service department sucks. I know that
8 personally firsthand. I've called them myself.
9 They literally will just hang up on you. That's if
10 you're an employee or not an employee.

11 MS. DANIELS-HILL: Why were you
12 calling them?

13 THE WITNESS: For customers. I've
14 done that several times. Literally, I was on the phone
15 with a customer. Her name is -- looking at my list
16 here -- Betty Carmean. She's in Georgia. They came
17 and done an installation, and Code requires that any
18 kind of wire being run runs into conduit. And they
19 literally laid the wire on the ground and connected it.
20 And she called me, and she said, "You're not going to
21 believe this. They hung up on me." I said, "Let's
22 call them." And I called them and told them who I was,
23 and they literally hung up on me, not once but twice.

24 The third time the lady finally
25 listened to the words I said out of my mouth, and she

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1 got something done, but nothing really got
2 accomplished.

3 It's like a rat race when you call
4 customer service. They will literally lead you from
5 one to another area. Then we've got to schedule you.
6 And then we'll call you back. And then if you do get
7 the call back, it's great. And if you don't -- like I
8 said, the customers who least complain gets more
9 callback versus the one who does complain.

10 BY MR. KEEN:

11 Q. So if you call to explain, you would get
12 the runaround?

13 A. Yes, you would get the runaround for a
14 while.

15 Q. Speaking of laying a wire on the ground
16 without putting conduit on it, can you talk to me
17 about the permitting requirements that you have
18 to -- the permits that you have to pull in order to
19 even start doing an install on somebody's house?

20 A. I know nothing about that.

21 Q. Okay. But you understand that there are
22 permits that have to be pulled?

23 A. Yes, I understand that there is -- in
24 some cities and states you are required to pull an
25 electrical permit and a building permit. I am fully

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1 aware of that.

2 But what I have been told from customers or
3 from other employees they are not being pulled. They
4 are supposed to be pulled before installation, and I've
5 been told that they're installing before permits are
6 ever pulled.

7 Q. Those are customers that have told you
8 that they are --

9 A. Yes.

10 Q. -- being installed without permits?

11 A. There's also a job that was actually
12 installed that the electric company was never
13 notified on until later.

14 Q. Until they tried to run it?

15 A. Well, until TVA called them and told
16 them that they cannot do back-feeding.

17 Q. Back-feeding. That's what it's called.
18 Back-feeding is whenever -- well, why don't you tell
19 me what back-feeding is.

20 A. Back-feeding is when the grid produces
21 more power than you use at home, and they actually
22 back-feed back into the system. TVA -- that's when
23 you know that TVA has not done their job or that the
24 electric company has not been notified. When the
25 electric company is notified, they come out and

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1 actually install what's called a special meter.
2 They take out the one that you currently use in your
3 home because everything you use in your home now is
4 a one-way meter. So that means electricity only
5 flows one way, and it flows directly back and flows
6 directly into your home.

7 The two-way meter is the meter that flows
8 bidirectional. It can go in your home or outside your
9 home. The reason why they do that for, is because when
10 the power shuts down, the inverter shuts down the
11 system so it cannot back-feed into the grid. So if
12 proper steps were taken correctly, the local electric
13 company would come out and put what's called a
14 bidirectional meter. If not, they have the one-way
15 meter. So if the power is actually lost -- let's say
16 the grid goes down and someone is working on the line,
17 if that system is continuing to feed it, it literally
18 will electrocute the man that's working on the line.

19 Q. So it's very dangerous?

20 A. It is dangerous, life threatening.

21 Q. But what you're saying is there would be
22 situations where back-feeding would occur without
23 notifying the electric company?

24 A. Yes. That is where -- I don't know if
25 it was personally Solar Titan that failed to do that

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1 or if it's the electric company has failed to come
2 out and change the meter. But in reality which is
3 life, when a system is complete, it is tagged for do
4 not operate. So it either could be tagged or the
5 installers either turn the system on or the
6 customers turn the system on when it's on, but he
7 would literally have to cut a lock to turn it on.

8 Q. And so if there's -- if TVA or the
9 electric company sees that back-feeding is
10 occurring, even though they haven't been notified,
11 what do they do?

12 A. They contact the customer and they --
13 they go through steps and ask the customer what's
14 going on, why are you back-feeding, and so and so.
15 And the customer's reaction will be, well, I
16 recently installed a solar system, and the TVA would
17 probably have no record of it. If there's no record
18 of it, that means there's been no permits put in
19 place or pulled or applied for.

20 Q. Or an inspection?

21 A. Yeah, an inspection never did happen.

22 Q. Would the electric company tell them
23 that they need to shut off their solar system?

24 A. They would tell them they're fixing to
25 shut off their power completely.

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1 Q. And they would -- they shut off their
2 power until the inspection happens?

3 A. They would shut off the power until the
4 permit is pulled and approved and then the
5 inspection.

6 Q. Is that something that could happen
7 relatively quickly?

8 A. As far as the electric company cutting
9 you off, it could happen as them coming out. I
10 mean, that could happen just like that.

11 Q. What about permits? How long would it
12 take to get a permit pulled?

13 A. Two weeks.

14 Q. Two weeks?

15 A. Two to three weeks.

16 Q. Is there any reason why it takes that
17 long?

18 A. Yeah. Humans.

19 Q. You said you could get it done before
20 then?

21 A. You could probably get it done before
22 then. What causes the slow part of it is the actual
23 humans.

24 Q. But my understanding is that in
25 Tennessee there's -- it's all done online?

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1 A. Some is and some is not. Each electric
2 company has its own requirements. None of them are
3 the same. There are 94 electric companies, which is
4 co-ops in Tennessee, and none of them are the same.
5 They all have different requirements.

6 MS. DANIELS-HILL: I just want to
7 clarify. You have the state agencies that inspect most
8 of Tennessee. Does the electric company also do their
9 own inspection and issue their own permit?

10 THE WITNESS: Some does; some does
11 not. That's why I'm saying out of the 94 or 95, they
12 all each have individual differences. None of them is
13 the same. Some states are. Kentucky is. Tennessee is
14 not. Each individual electric company kind of does
15 things different than the other one.

16 BY MR. KEEN:

17 Q. But no matter what, somebody from Codes
18 or the State fire marshal's office would have to
19 come out and say, yes, this installation is up to
20 code and we're going to pass it?

21 A. That's correct.

22 Q. So Solar Titan has done jobs -- you're
23 understanding is they've done jobs where -- they
24 started installations where they haven't even pulled
25 permits?

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1 A. That's correct.

2 Q. Have they ever turned a system on that
3 has not passed inspection?

4 A. I would not know that.

5 Q. Okay. Have you ever gotten a complaint
6 from a customer about their system not passing
7 inspection?

8 A. Yes.

9 Q. Can you tell me a little bit about that.

10 A. Richard Coomer is one of them up in
11 Louisville, Kentucky. The wiring was not done with
12 what they call a whip. A whip is the conduit run
13 from the solar array down to the electrical box. A
14 whip cannot touch nothing metal, and the whip
15 actually was touching the gutter going down. That
16 is one of the customers.

17 Another complaint has came from Casey
18 Johnson. He has failed multiple times inspections.

19 David Evenson. I know we keep coming back
20 to him. He has failed several, and what I have learned
21 or read it's all been part of Solar Titan, the
22 installation crew.

23 Peter Rodriguez. He's in Georgia. He's
24 also -- all these names are on this list, "Customers of
25 Interest."

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1 Betty Carmean. She's in Georgia. She's
2 another one.

3 Billy Perkins. He's in Kentucky.

4 Beth Morgan is another customer, her and
5 her husband.

6 Elvis Greene in Georgia.

7 Sandra Smallwood in Kentucky.

8 Deb O'Dell. Let's talk a little bit about
9 Deb O'Dell. Deb O'Dell was probably my second
10 customer. That was Craig's -- that was a sale that
11 Craig did, and I was a part of it. This lady here --
12 can we go off the record for a second?

13 Q. Yes, let's go off the record.

14 (Off the record.)

15 THE WITNESS: Deb O'Dell was sold a
16 system that would produce -- at the time would have
17 been a 7 kilowatt system. The size of the system is
18 actually in your file. She has had numerous problems
19 of inspections, and the system is not producing what
20 it's supposed to be doing.

21 I was given the information -- the
22 instruction to go sell Deb O'Dell a battery. The
23 battery -- the cost of the battery is roughly about
24 \$8,000. They wanted me to charge about 20,000 for the
25 battery. It was supposed to be given to her free, but

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1 for some reason Craig Kelley wanted me to charge her
2 for it. And she was very upset. She would be a woman

3 of interest that could -- would give you some feedback.

4 MS. DANIELS-HILL: Did Craig say why
5 he's telling you that you need to charge her if you had
6 previously promised or someone from the company
7 previously promised not to?

8 THE WITNESS: Ernie Bussell -- however
9 you pronounce his last name. He was at one time the
10 director of operations. When Ernie was there,
11 everything was run correctly and done correctly. All
12 the systems worked correctly. After Ernie was
13 terminated, because they did not want him to run things
14 that way, he promised a lot of customers batteries to
15 make up for the things that the system was not
16 producing. They knew at the time that the systems was
17 not producing what it was supposed to be.

18 Deb was promised a battery from him,
19 and before they actually got the battery to her, they
20 actually -- he was terminated. And then I was
21 instructed to go sell her a battery at "X" number cost
22 over retail, and it just was what I was told to do.

23 Another customer of interest you will
24 need to speak with is Bruce Whitehead. He's out of
25 Knoxville. He's actually a pilot. He's had -- I know

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1 he's had numerous failed inspections because of what
2 they've actually done or not done. I know he's had a
3 lot of complaints. I've actually talked to him two or
4 three times. I've sent text messages or tickets for
5 someone to go out and look at his system. When you
6 send a ticket in or text message, I always get
7 feedback. Like from Craig, there's always three sides
8 to the story, the truth and what the customer makes up
9 and what actually happened. But he's a good customer.

10 Lane Perkins is another one who's up
11 in Kentucky. Great guy. They -- the system should
12 have already been done in a long time, but I think it's
13 completed now. They had problems after problems after
14 problems.

15 BY MR. KEEN:

16 Q. With the passing of inspection?

17 A. Yes, or even getting installed. His
18 son's name is Billy Perkins. Literally, his son
19 lives right beside of him. I sold Billy his system.
20 The installation crew went in and drove a hole in
21 the outside of his wall where you could actually see
22 plumbing through his home, and they never did fix
23 it. I think Mr. Perkins -- Billy ended up fixing it
24 himself.

25 So there's some shady stuff going on with

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1 the installations. I don't know if actually the crew
2 or they've been told just to leave.

3 Q. Am I correct that before you even call
4 the inspector out, the licensed electrician or the
5 licensed builder involved in the installation --
6 overseeing the installation has to sign off saying
7 that they believe the installation is complete and
8 ready for inspection?

9 A. I do not know that.

10 Q. And I don't know that either. It was
11 just something I had a question about.

12 A. I do know the permits are the pulled --
13 the permit -- the engineer drawings are done first.
14 And then they are submitted over to the electrical
15 permits. It's submitted to the electric companies.
16 The electric company has to sign off for the permit,
17 and then the City or Codes -- I know kind of that
18 part.

19 Now, when they go out to install it, it's
20 literally two men or three men with a truck or van.
21 They are trained to install the system and run the
22 wiring, and I don't understand why they can run wiring
23 because literally it's an electrician, and they will
24 tie everything in, turn the system on, and they're
25 supposed to shut the system off. Now, does every

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1 system get turned off? No. I've learned that.

2 Q. So the people that do the install --
3 obviously you're supposed to have an electrician
4 make the final connections and turn the system on?

5 A. Uh-huh.

6 Q. They are sort of skirting that by just
7 having them run the wiring and they're not supposed
8 to make the final connection, but they're -- but the
9 installers who are not licensed electricians are, in
10 fact, making the final connection?

11 A. They do what's called a test, and what
12 that does is making sure the system is operational
13 and it actually turns on and produces power, and
14 then they are supposed to shut it off. Now, saying
15 that all systems gets cut off -- I will not say
16 that. We're all humans. Just like the home in
17 Kentucky got burned down. I do not know what
18 happened there. Literally, when they do a test, it
19 is supposed to be shut off and padlock it. Not all
20 systems that I've been up to -- that I've actually
21 went and turned on has been padlocked or had any
22 kind of signage or anything like that on it.

23 Q. You're saying not all systems have been
24 padlocked?

25 A. That's what I'm saying.

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1 Q. Have any of them been padlocked?

2 A. A few, yes.

3 Q. Would you say more have been unpadlocked
4 than padlocked?

5 A. Unpadlocked.

6 Q. About pulling permits. Now, my
7 understanding is the only people that can pull
8 permits are licensed builders and licensed
9 electricians?

10 A. That is correct.

11 Q. Are you aware of any time where Solar
12 Titan has pulled a permit without the consent or
13 knowledge of the licensed electrician -- the license
14 number that they're using to pull the permit?

15 A. I have been told by Ryan Crofton -- I
16 forwarded his information to you -- that they have.
17 Ryan was with Solar Titan for roughly about a year
18 and with recently conversation that he resigned
19 because they -- he about lost his license because of
20 what they was doing. They was actually using his
21 license to pull permits, and he was not even fully
22 aware of it.

23 That one -- that is a good -- and Glen
24 Abit -- Abolt, however you pronounce his name -- he was
25 our original electrician we started with. Then he

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1 later left, and I don't know if they were doing the
2 same thing with Glen or not, but Glen is no longer with
3 the company either.

4 MR. KEEN: That's all the questions I
5 have related to permitting and inspection if you have
6 any follow-ups, Alicia?

7 MS. DANIELS-HILL: No.

8 BY MR. KEEN:

9 Q. Let me ask you this. So I know that you
10 know that there are customers who are complaining
11 about Solar Titan because they complained to you
12 directly. Are there any other avenues that you're
13 aware of that customers are using to lodge
14 complaints against Solar Titan?

15 A. Explain that question more thoroughly.

16 Q. So, for example, is there -- do you see
17 customers complain on social media about Solar
18 Titan?

19 A. Yes.

20 Q. Can you tell me about that.

21 A. I see the news on YouTube or WHS Channel
22 11, that is actually in Louisville. A lot of those
23 customers complained about permitting and the system
24 not being installed correctly. I've saw it in
25 Georgia, and I've also saw it in Alabama. One of

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1 the stories that actually was mentioned out of
2 Alabama was a customer that I actually sold. And

3 the customer originally -- she stated why she backed
4 out for was because of the investigation going on in
5 Kentucky by the attorney general.

6 Q. Have you seen any, like, social media
7 groups?

8 A. Well, you can look on Facebook. "Solar
9 Titan Screwed Us" or "Screwed Me" or whatever it's
10 called -- that's all there. I've seen the negative
11 there, and what I've actually read has been correct
12 of what I've seen or witnessed. Some of the
13 customers in there I actually know.

14 You also will find them too on Better
15 Business Bureau. I think they have completely flunked
16 out of that, out of the BBB now. If not, I don't know
17 why they are even still listed.

18 You know, when you go through and you read
19 all those complaints and you hear Craig Kelley or Sarah
20 Kirkland saying the customers are liars. Liars are
21 buyers. And, you know, you look to think that your
22 company you're working for is telling you the truth,
23 and then you go over here and start reading all these
24 negative complaints. You kind of realize that your
25 company that you put faith into and for your -- that

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1 you're employed with you find out they're boldfaced
2 lying to you.

3 Q. You said something -- you said liars are
4 buyers?

5 A. Liars are buyers. That is something
6 that -- a statement that he's always used.

7 Q. He?

8 A. Craig Kelley. A liar is a buyer.

9 Q. What does that mean?

10 A. It means when a customer purchased
11 something and they want to back out of it. They
12 will use any kind of form or anything to get out of
13 a purchase. Or liars are buyers.

14 Q. Okay. What do you know -- is Solar
15 Titan doing anything to help these customers who
16 have inoperable systems or have systems that don't
17 pass inspection? Is there anything being done at
18 all? A lot of them have loans; right?

19 A. 99 percent of those customers has loans.
20 99 percent of those customers is probably paying for
21 electric and solar. And 99 percent of those
22 customers are probably struggling to even get by in
23 life. I mean, not all customers that we dealt with
24 was you know -- had a middle income or salary like
25 that. I wouldn't saw they all was, but a lot was

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1 low income, and they just believed in a way of
2 getting out of paying their electric. And solar --

3 solar works. When it's installed correctly, it
4 works. It's a great system. I have one on my farm,
5 and it totally works when it's installed correctly.
6 But when it's installed incorrectly, it does not
7 work.

8 Q. It sounds like they're cutting corners
9 just to try to save money --

10 A. Saving money.

11 Q. -- or sell as many as possible and move
12 on to the next? Is that kind of --

13 A. All systems are supposed to have what's
14 called an ATS, which is an automatic transfer
15 switch. They kind of avoid doing that installation
16 because it's an actual cost for them. They would
17 rather wire it directly to an actual breaker versus
18 them using the automatic transfer switch. What the
19 automatic transfer switch does is when the power
20 goes out, the transfer switch switches everything
21 over to a battery and it shuts off the power from
22 going back out to the grid. But what they do --
23 they do what's called a wire-in breaker. They'll
24 usually -- they'll take the solar and wire in to --
25 of the circuits they want to run. That is a cheap

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1 alternative to an ATS which is also a -- a cheap way
2 of doing it, and if it -- if the breaker fails, it
3 literally will catch on fire or your box will be
4 burned or something like that. Anything can happen.
5 It's electrical stuff you don't mess with.

6 Q. If a customer has a system that's
7 inoperable or isn't producing like it should,
8 they're paying on a loan, still paying their
9 electric bill, does Solar Titan ever reimburse the
10 customer for their loan or their monthly loan
11 payment or anything?

12 A. There are some things that says that
13 they actually have. From the conversation that I
14 had with the lady in that department, she said
15 they're only sending out three checks a week of the
16 complaints. She said that we wrote a bunch of
17 checks, but none of them has been sent out. They
18 tell everybody to call them directly. And the
19 reason why they want to call them directly is they
20 don't want it broadcast all over TV. And I can
21 understand that if I was in the business side of it,
22 but, you know, they're trying to -- they're saying
23 they're trying to help the customers, and literally
24 they are not.

25 Going back to a customer here. Her name is

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1 Nancy. She lives in Knoxville, Tennessee. Her system
2 went down and it was weeks before they even got out

3 there to do that, and the customer wanted money for it
4 and -- because she had had to pay both of them. And
5 they declined to pay her any because they said she had
6 money. There was no use of paying her, that she
7 already had money.

8 And then you look back too at a different
9 customer, which is Deanne Smith. She's in Loudon,
10 Tennessee. It's a prime example. They are two --
11 they're husband and wife that are on disability. And
12 they are literally paying a solar payment and an
13 electric bill, and they're struggling and they will not
14 help them one bit. And their system does not even work
15 correctly, and I instructed them many times to help
16 them, and they will not.

17 Q. Do you know why not?

18 A. I have no idea why not. Probably
19 because I've had a bet that she has called to
20 complain so much, but literally the system does not
21 even work correctly. There was a leak in her roof.
22 They did not want to repair it because they said it
23 was not us, but the system was installed, and, like,
24 two weeks later the roof was leaking. I literally
25 went and picked up a guy and we took a tube of caulk

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1 and fixed it ourself just to get it fixed. But they
2 never did want to acknowledge the leak.

3 Q. So you did that on your own just to help
4 the customer?

5 A. Yes.

6 MR. KEEN: That was all the questions
7 I had about customer complaints. Is there any
8 follow-up you want to ask about?

9 MS. DANIELS-HILL: No.

10 BY MR. KEEN:

11 Q. I know that Solar Titan talks about they
12 hire a lot of veterans. Is that -- have you heard
13 that? Have you heard them say --

14 A. I have heard that.

15 Q. And you mentioned that Richard Atnip is
16 an Air Force veteran?

17 A. Yes.

18 Q. Do you know -- do they make an effort to
19 hire veterans, do you know?

20 A. Well, if you're a company that says that
21 it supports the military, there are certain days of
22 the year that you would not work. They do not
23 recognize any holiday at all. You could either work
24 or not be paid for that day. As far as the
25 veterans, I know -- I can't think of a veteran there

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1 other than Michael, which, like I say, I only know
2 about a handful of people that I actually had a
3 relationship with.

4 We do offer what's called a veteran
5 discount. All the reps are to give them a \$500
6 discount. \$500 on \$50,000 is not really a lot of
7 money.

8 MS. DANIELS-HILL: What do they
9 explain to customers that they are offering a veteran's
10 discount? What do they say about this is the reason
11 that we're offering the discount?

12 THE WITNESS: What they've always said
13 is we've given a veteran discount if you're a retired
14 veteran, and that's just literally \$500 off of the
15 inflated price already. I mean, they're right now up
16 to about 6.50 cents a kilowatt. Their cost is about
17 1.62. So get back into math. So if you're at 6.50 a
18 watt, 6 times that times 10 -- times 10,000. That's
19 \$65,000. That's the total sale, and the cost is 1.62
20 times 10,000. \$16,000 for cost. That includes the
21 labor too. Literally on that job they're clearing
22 about that much money (indicating). I mean, they're
23 literally racking in the money.

24 BY MR. KEEN:

25 Q. When you say labor costs, do you mean

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1 the installation costs or the installation and
2 sales?

3 A. Installation and sales is all included
4 in that number.

5 Q. How do you know about this number?

6 A. It was shared through the buyer, but the
7 buyer told me what they actually buy it at and what
8 they literary got into the system. So they
9 literally got less than a -- less than a quarter
10 into it.

11 MS. DANIELS-HILL: Do you know how
12 Solar Titan determines how much to charge for the labor
13 and installation?

14 THE WITNESS: They do their own
15 in-house installation, and what they give to the
16 crew -- it used to be 25 cents per kilowatt. I don't
17 know what it is now. So you would pay them 25 cents on
18 a 10,000 system -- \$10,000 which is -- 10,000. So .25
19 times 10,000. They will make \$2500 between the two
20 total. Now, they would take the 25 and divide it by
21 two, and that's how they would come up with their
22 number.

23 They recently had a suspicious pay
24 change. No one knows nothing about it. Just like the
25 sales side had it. We had a pay change that happened

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1 that no one knew nothing about it, and their pay
2 literally got cut dramatically. They went from

3 averaging anywhere from -- an installer would probably
4 make anywhere from 3 to 5,000 a week, and I reckon now
5 they're below \$2,000 a week now. So the installers are
6 leaving -- they're leaving to go to other companies.

7 MS. DANIELS-HILL: So if they were
8 getting you said like 2,500 on a 10,000 kilowatt
9 system, is that the exact amount that would then be
10 charged to the customer or were they going to be
11 charged even more than that?

12 THE WITNESS: No. That would come out
13 of the total cost of the 65.

14 MS. DANIELS-HILL: But customers
15 weren't getting, like, a breakdown of this is the
16 amount that is for the system that we're charging --

17 THE WITNESS: No.

18 MS. DANIELS-HILL: -- this is the
19 amount for the labor?

20 THE WITNESS: No.

21 BY MR. KEEN:

22 Q. So if Mr. Coomer got a 4 kilowatt, if I
23 also got a 4 kilowatt, would we always get the same
24 price or maybe he would get sold a little bit more
25 money? He would try to get 10,000 more out of him?

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1 A. No.

2 Q. Is there --

3 A. It would all stay pretty close to the
4 five and the five and a quarter kilowatt. The
5 across the board for them was about anywhere from
6 five and a quarter to 5.50 price per kilowatt. If
7 you got down below a five, you would actually lose a
8 percent on your commission, but that was kind of the
9 breakdown.

10 Q. The salespeople -- did they negotiate
11 with customers a lot about price and stuff?

12 A. Some did; some did not. I'm not saying
13 they all did. Now they're actually at \$6.50 a
14 kilowatt, which is the highest in the nation. You
15 would assume that California would be the highest.
16 They are not. Solar Titan, from what I've read and
17 seen, is the highest solar company in the nation.

18 Q. What are energy consultants?

19 A. They are sales reps.

20 Q. So like --

21 A. Uh-huh. (Witness moves head up and
22 down.)

23 Q. And did Shawna train sales reps?

24 A. She did.

25 Q. What did she -- did she just train them

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1 on how to give the pitch and that sort of stuff?

2 A. I do not know that. That was something

3 that you will need to ask Shawna directly. She

4 trained -- like I say, she came on board after me --

5 it was literally after me and she done the

6 wholesales training. She done everything. I would

7 not know nothing about what she actually trained,

8 other than the document that I handed you.

9 Q. The Anyway Money document?

10 A. The Anyway Money document.

11 Q. What about the pitch book?

12 A. I've never even seen that.

13 Q. You don't have a copy of the pitch book?

14 A. No.

15 Q. I know you mentioned Dale --

16 A. But if you reach out to the gentleman
17 named Todd, number 15 on your list, he might be able
18 to fill in some of the information.

19 I actually sent you other names by email.
20 They are no longer with Solar Titan that probably could
21 give you some details about the information that I do
22 not have.

23 Q. The former sales reps?

24 A. Yes.

25 Q. Todd -- what is Todd's last name?

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1 A. I do not know what Todd's last name is.
2 Q. But it's something that you sent me?
3 A. It's number 15 on the list.
4 Q. Can you tell me about Dale Roden? I
5 know we talked a little bit about Dale Roden earlier
6 today. What does he do?
7 A. He is the -- I don't know what his
8 correct title for him is. He runs the operation
9 department. I guess he would be the director or the
10 general manager over operations or of the
11 installation. My background of him was not good. I
12 was told that he had a previous electric -- a solar
13 company in Chattanooga that went out of business
14 because of a shady business. That's all I know and
15 what I learned. And my dealings with him have not
16 been professional.
17 Q. Do you know the name of the Chattanooga
18 business?
19 A. I do not.
20 Q. Whenever you say shady business
21 dealings, you mean shady business sort of in the way
22 that Solar Titan is doing shady business?
23 A. Yes, money wise and just, you know --
24 like I said, these systems work. There's a few
25 people making it hard on other customers. If these

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1 systems are installed correctly, they produce what
2 they say and they actually work. There are some

3 people out there -- just like this world that we
4 live in. You know, this world that we live in is a
5 horrible place, but there's a few good people that
6 makes it good. It's the same way with some of these
7 people that I learned with and worked with in the
8 past. They're the ones that makes this all, you
9 know, hard for us in this world.

10 Q. Has Dale been with the company since the
11 beginning?

12 A. No, he has not.

13 Q. Solar Titan?

14 A. No.

15 Q. Whenever he came along -- did you see
16 things get worse after he came along?

17 A. Yes. Ernie Bussell -- I cannot
18 pronounce his name -- B-U-S-S-E-L-L -- had the role
19 that whenever thing I thought was installed
20 correctly -- after Ernie leaving, Dale took his
21 spot, and it has -- it went downhill.

22 Q. You said that your dealings with Dale
23 were unprofessional?

24 A. Yes.

25 Q. Can you talk to me a little bit about

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1 that.

2 A. You can't get nothing done. You get
3 told something and something else happens.

4 Q. So he was just not responsive like
5 whenever you asked for something or is he just lazy?

6 A. I would call him lazy.

7 Q. Okay. Lazy and incompetent or just
8 lazy?

9 A. Lazy, incompetent, just not a person of
10 its word. That's pretty much all I can say since
11 you're recording me. Off the record.

12 (Off the record.)

13 THE WITNESS: Back on the record now.

14 BY MR. KEEN:

15 Q. When did Solar Titan become aware that
16 the Generac systems wouldn't work below 41 degrees?

17 A. They should have known it day one when
18 they signed up.

19 Q. But they didn't or they knew and they
20 didn't tell anybody?

21 A. I would assume they knew but didn't tell
22 no one, because it's literally on their tech sheet.

23 Q. What is the tech sheet?

24 A. That tech sheet explains the functions
25 of the system, of the battery, the watts, the

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1 kilowatts that it can take on, the temperature.
2 It's really a -- it's a great piece of data. It's a
3 data sheet is what it is. It explains everything --
4 the technical side of the system.

5 Now, I will say this, we as sales reps did
6 not know nothing about that until last year some time,
7 and I've learned it from a customer that called me
8 about it and she was extremely upset at me, which I was
9 not -- and she actually sent me the tech sheet on it --
10 of that battery. I had to learn it the hard way. Her
11 name was Susan Smallwood, I think. She was in
12 Kentucky, but she literally sent me the tech sheet of
13 the battery.

14 Q. What are you looking for?

15 A. I'm looking for my sheet that I had
16 here. Stuff literally gets up and walks away. She
17 is number 10 on your call list.

18 Q. Do you have a copy of the tech sheet?

19 A. I do, not with me personally.

20 Q. Okay. Not right now. I gotcha.

21 MS. DANIELS-HILL: How did Susan get a
22 copy of the tech sheet? Did she Google it?

23 THE WITNESS: She called Generac
24 herself. She was a smart one, and I do not mean that
25 by no means being negative toward women, by no means.

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1 I'm not trying to be negative about it, but she
2 literally picked up the phone and called me. She asked
3 me if I was aware of it. I said no. She said, "Have
4 you called your Generac dealer?" I said, "No. I
5 didn't know nothing about it." She said, "Who informed
6 you of this?" I said, "Well, the company." I said,
7 "We have never been told that." She said, "Well, I'm
8 sending it over to you." And literally there it was.
9 I think it was 40 at the lowest. Anything below 40 up
10 to 120. Is that how it's wrote? Yes.

11 BY MR. KEEN:

12 Q. Where did Susan live?

13 A. Susan -- actually her name is Sandra.
14 She lives in Kentucky.

15 Q. So presumably it would get below
16 40 degrees in Kentucky?

17 A. Yes.

18 Q. For probably several months out of the
19 year?

20 A. Pretty much the same time that we --
21 that you guys experience here in Nashville.

22 Q. So --

23 A. Generac is not a good product. It's a
24 lithium-ion battery. It's not a good product.

25 Q. But they make it known -- I mean, you

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1 would assume if you're going to be purchasing as a
2 retailer, meaning Solar Titan -- purchasing a

3 product wholesale directly from the manufacturer --
4 did they get it directly from the manufacturer?

5 A. I think they purchased it directly from
6 what they call CED. It's out of South Carolina.
7 It's probably one of their wholesalers. I'm
8 assuming if they're doing that much business, they
9 are purchasing some directly from Generac because
10 literally at one time Solar Titan was probably
11 selling anywhere from 20 to 30 jobs a week or more.
12 And that's when we had a sales crew up in the 60s.
13 I think when I left, they've got less now than 15
14 employees. There was 31 that resigned a couple
15 weeks back for nonpayment, and then I think last
16 week there was a couple more. And then, like I say,
17 I think now they're down to less than 15.

18 Q. Do you know what CED stands for?

19 A. I can look it up.

20 Q. That's fine. If we need to look it up,
21 we'll look it up. But, like I was saying, CED would
22 inform Solar Titan, "Hey, you're purchasing this
23 product from us. These are the specifications."

24 A. That's correct. Actually, the vendor
25 should actually provide all that information to

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1 them. It's not like it's hidden from the actual --
2 that stuff is not hidden.

3 Q. But Solar Titan didn't let their sales
4 reps know about it?

5 A. They didn't let no one know about it.
6 No one was aware about that, especially the sales
7 reps, the one who matters the most is out in the
8 field.

9 Q. Has anybody called to complain to Solar
10 Titan about the fact that they were sold a system
11 that doesn't work for several months out of the
12 year?

13 A. I am not aware of that. I'm just aware
14 of that one customer calling me. She literally let
15 me have it.

16 MS. DANIELS-HILL: What doesn't work
17 after it gets under 40 degrees? Is it that the
18 system's battery is not working? Is it the --

19 THE WITNESS: The battery does not
20 work at all. That is the name and that's all I know
21 about it. When it gets below a certain temperature,
22 the battery does not release any energy, or when it
23 gets a certain temperature, it does not. It would not
24 release no system -- no energy back into your home.

25 MS. DANIELS-HILL: So it's not that

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1 it's not actually getting the extra energy --

2 THE WITNESS: It cannot store it.

3 MS. DANIELS-HILL: It's that it can't
4 store it?

5 THE WITNESS: It can't store it or
6 discharge it.

7 BY MR. KEEN:

8 Q. Solar Titan primarily using Generac
9 systems?

10 A. They originally switched from Generac.
11 They originally -- it started out it was first LG
12 Chem battery. The LG Chem is probably one of the
13 best batteries they ever installed as far as
14 tech-wise on their data sheet. Then they went to a
15 different battery which was the Generac, and the
16 Generac was thought to be a good battery like the
17 Generators. It's not.

18 Now they're installing what's called a
19 SolarEdge battery. It's a new battery from SolarEdge.
20 SolarEdge is some other stuff -- SolarEdge is like the
21 cream of the crop as far as of the -- of the inverters.
22 They have some of the best inverters made.

23 The battery technology has not been out
24 that long. They bought a lot of that technology from
25 Enphase which is another company. Enphase makes great

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1 product. They are huge in California, but it comes
2 down to -- if you have all this great products, it
3 comes down to your solar array. If you do not have a
4 good quality solar array or a brand-name tier one
5 panel, your system is not going to make a hill of
6 beans. If it's not -- all not connected together and
7 working together, it's not going to be worth having.

8 Q. What kind of panels does Solar Titan
9 use?

10 A. They use different ones. Some of the
11 ones they use is called Hyundai. They use what's
12 called a Jinko panel. A lot of these companies --
13 we advertise American made. A lot of the stuff is
14 not American made.

15 Q. What do they advertise that's American
16 made that's not?

17 A. I think they advertise American-made
18 product. The one -- one of the panels that we
19 actually had and we switched to and was actually on
20 that data sheet which was the QCell -- they're
21 actually manufactured -- they are a German panel
22 made in Dalton, Georgia, but they cannot get them.
23 But they tell customers that they are American made,
24 and they are not.

25 Q. So they tell customers that they're

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1 using QCell?

2 A. They tell customers they're using

3 American-made products, but a lot of the product is
4 not American made. SolarEdge is a Israel company,
5 and a lot of the panels that they are buying is not
6 American made. They're literally made in Korea or
7 shipped over.

8 Q. So whenever they say American made, that
9 leads customers to believe they are buying the QCell
10 product because that's the only one that's American
11 made?

12 A. No. There's other companies in the
13 Americas that's actually made. You've got four or
14 five companies made -- but when you advertise
15 American-made materials and when you go up to sell a
16 veteran, a veteran don't want nothing made in a
17 foreign country. Most of our citizens, and I'm one
18 of them, I would rather buy America made versus
19 another country. I always do that myself. I would
20 rather pay a little extra to have American made
21 versus a China product. I'm not getting into
22 politics or religion or anything like that. It
23 seems like an American-made material is better
24 than --

25 Q. Quality?

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1 A. -- quality-wise versus the foreign
2 country.

3 Q. Yes, I agree. But that's the thing is
4 they say, Hey, we use American made. You can trust
5 our quality.

6 A. You can trust our quality.

7 Q. But the reality is that they're made for
8 manufactured products?

9 A. Correct. I would say seven -- six to
10 seven out of ten customers gets installed correctly.
11 Actually, let me back up. Six to seven of the
12 customers there will be complaints, and about three
13 of them might be done correctly because the reps
14 that the -- I will never have my installation crew
15 paid on a commission. They are paid on time. The
16 quicker they get the job done the quicker they make
17 more money. That is no way to run a crew that is
18 going to be installing something. My opinion now.

19 Now, I can see putting a sales rep on a
20 commission. He's earned the sale, but as far as
21 putting an installation crew on a commission paid by
22 performance installed, that is -- because that's how
23 they get paid, when glass is on the roof. That is no
24 way to run that department, because you get a lot of
25 shoddy work that way.

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1 MS. DANIELS-HILL: I have a question
2 about the batteries. So you said if Solar Titan

3 originally was selling cam batteries. How long were
4 they selling those as opposed to Generac?

5 THE WITNESS: They probably was
6 selling it anywhere from -- let me back up and let me
7 go into a little more detail. Pull exhibits -- let's
8 see what you got over there again.

9 MS. DANIELS-HILL: Just stop me when
10 I'm on the right one.

11 THE WITNESS: Keep going. That --
12 right there.

13 MS. DANIELS-HILL: This is Exhibit 4.

14 THE WITNESS: Exhibit 4. Prior to us
15 installing batteries -- Solar Titan never did actually
16 install a battery starting out. We was told by Craig
17 Kelley and Sarah that all the energy that these panels
18 produced, at nighttime they could pull from the panels
19 so the customer would not actually need a battery. All
20 this time we did not actually have batteries in stock
21 to sell to customers. It's not because we couldn't get
22 them. They could but they was trying to stay away from
23 the battery because what we was told that the energy
24 that was stored into the solar panel, the array, will
25 be pulled through the array into the home. And that's

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1 when the arrays -- what they do is they discharge.

2 So when we first started out or when
3 they first started out. I keep saying "we" because I
4 feel like I was a part of it from the beginning I was
5 there. The array would store the energy, and then you
6 would pull from there, so you really didn't need a
7 battery backup. I have been told that many times.
8 Because our systems were producing so much.

9 Later going into the middle of 2020,
10 they brought a battery in, which was LG Chem. The
11 reason why they brought the battery in was to make up
12 the difference between the net metering. Knoxville,
13 Tennessee, or Tennessee in general cut out net metering
14 in 2019. So the battery was put in place to store the
15 excess power with them. So the excess power would go
16 in the battery. At nighttime they would actually
17 discharge the battery into the system.

18 So fast-forward from there, we started
19 with the LG. Then we went to what's called the
20 Generac, and now they're actually using the SolarEdge
21 battery. Which as far as if you look at the specs of
22 the SolarEdge, it's about the same. The SolarEdge
23 battery is a little bit better. It's made from a
24 better company.

25 But I hope that kind of answered your

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1 question what you are actually looking for, but I did
2 want to say that prior to the battery, we was told that
3 the panels actually stored excess power and you did not
4 need a battery.

5 MS. DANIELS-HILL: So you're saying
6 when you were given Exhibit 4 to explain how much
7 energy the systems would generate, that was the time a
8 battery wasn't being offered?

9 THE WITNESS: That's correct.

10 MS. DANIELS-HILL: And then when did
11 they start selling Generac batteries instead of LG
12 Chem?

13 THE WITNESS: I don't know the exact
14 date of that. I'm sure it was in 2021.

15 MS. DANIELS-HILL: And then
16 SolarEdge -- was that something that just started this
17 year?

18 THE WITNESS: Yes. SolarEdge -- I
19 don't know when they actually started selling the
20 SolarEdge battery, but they got rid of the Generac
21 because of the problems they were having with the
22 Generac.

23 BY MR. KEEN:

24 Q. And I know we already talked about this,
25 but I want to talk about this a little bit more.

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1 You mentioned that the company or at least the
2 people that owned the company, being Sarah Kirkland
3 and Craig Kelley and Richard Atnip, owned some very
4 fancy things.

5 A. That's correct.

6 Q. Homes, boats, planes. Can you -- I just
7 want to go through and you tell me what you
8 understand it is that they have and whether it's
9 something the company owns or whether it's something
10 an individual owns. So you mentioned Sarah bought a
11 one and a half million dollar home recently?

12 A. She bought like a million dollar home
13 down on the lake. What I've been told is it was
14 totally refinished -- gutted and refinished.

15 Q. Which lake is this?

16 A. That would be Fort Loudoun in Knoxville,
17 Tennessee.

18 Q. And you mentioned something about an
19 \$8.2 million home.

20 A. That's actually owned by Craig and
21 Michael. That purchase probably happened about two
22 to three months ago. I'm assuming -- I don't know
23 if it was through the company or through personal.
24 I am not aware who actually -- but when you pull the
25 tax statement, it shows up Michael Atnip.

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1 MS. DANIELS-HILL: To your knowledge,
2 did they have the ability to buy an 8 and a half

3 million dollar home before they started Solar Titan?

4 THE WITNESS: Lord, no. Honey, I gave
5 them money to buy the small home they was actually in.

6 BY MR. KEEN:

7 Q. And you've been to this house yourself?

8 A. I have.

9 Q. For a barbecue?

10 A. I didn't go to the barbecue. My wife
11 sells real estate, but, yes, I have actually been to
12 the home.

13 Q. Do they own any other homes?

14 A. They own multiple properties in
15 Knoxville now. All this has happened in the last
16 year, year and a half. Money has like came from
17 nowheres. You cannot explain where the money is
18 coming from. Just the spending that's went on, the
19 cars, the Teslas, buying their family homes, cars,
20 planes, boats.

21 I was with them once when they bought a
22 boat. A \$1.8 million boat, paid cash for. They had
23 another boat they bought. It was a large cabin
24 cruiser. We actually last year went down for a trip.
25 I won a trip last year for -- to stay in their home

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1 which is in -- they don't own it anymore. It's in
2 Destin, Florida. Me and my family and friends stayed
3 down there.

4 We also took out one of their boats. That
5 was something that I did not understand. I had to pay
6 for the boat ride, but they reimbursed me back. They
7 own a company called -- I think it's called Titan
8 Charters. It is a boating company, and they go out and
9 do fishing with. I had to pay \$4,000 to take my
10 family. On the back side, they refunded me \$5,000 from
11 Solar Titan's money, which I thought I was getting a
12 good deal on it, but now I realize I've got to pay
13 taxes on the money. So I lost money.

14 Q. So you paid -- you wrote a check?

15 A. I paid with my Amex, my Black card.

16 Q. You paid with your American Express.
17 You paid to Titan Charters?

18 A. Correct.

19 Q. But then you got reimbursed through
20 Solar Titan?

21 A. That's correct.

22 Q. Did they explain why they were doing
23 that?

24 A. For -- no, it never was explained.

25 Q. Let's sort of go through -- let's start

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1 with homes real quick. So we know that they've
2 got -- that Michael and Craig have this \$8 million

3 home in Knoxville. Sarah has a house on the lake in
4 Knoxville. You said Craig and Michael own several
5 homes. Is it in the East Tennessee area or
6 throughout the Southeast?

7 A. They own several homes in Knoxville.
8 Property-wise they own -- probably at least four of
9 the properties has million dollar-plus homes on
10 them. They have bought family and friends homes,
11 probably 500 -- 500 or higher. They also bought
12 property in Alabama down on the lake. What is that
13 property down there? What is that lake in Alabama?
14 I can't remember the name of the lake. But they
15 literally bought three lots with a beautiful million
16 dollar home on it, bulldozed it down, and built
17 another home.

18 Q. And is this all for personal use or do
19 they rent these out?

20 A. I do not know that information
21 personally. I can't tell you nothing about that,
22 but I do know recently they sold the home in Destin,
23 Florida, and I think the plane was sold or it was
24 repo'ed. I don't know how that actually took place.

25 Q. So the home that Michael and Craig owned

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1 in Destin -- they sold it?

2 A. Correct.

3 Q. Just because they weren't using it?

4 A. We was told they sold it because they
5 didn't need it.

6 MS. DANIELS-HILL: Can I ask, how did
7 they use that home in Destin, because you said you won
8 a trip to go use it? So what was that house for?

9 THE WITNESS: That home was probably
10 used for them to take vacations in.

11 MS. DANIELS-HILL: But they allowed
12 staff if they won something to use it?

13 THE WITNESS: They occasionally would
14 let their reps stay there that sold "X" number. Let's
15 put it this way. Of all the company employees there, I
16 outsold everyone there. Probably in the last two or
17 three years, I mean, literally eight out of ten bought
18 every week from me. But whatever I wanted, I would
19 probably get if I asked for it.

20 MS. DANIELS-HILL: So it was like a
21 perk if you sold a certain amount?

22 THE WITNESS: That was a perk. Last
23 December I sold -- well, last December -- no. Actually
24 back up. December of 2020 I think I made close to
25 \$80,000 commissions out of that, and I probably sold

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1 close to one-half million dollars that month. But yes.

2 MS. DANIELS-HILL: But you're saying

3 you're the only one that got that perk, or were there
4 other sales rep that also got perks like that?

5 THE WITNESS: They would get -- other
6 reps would get different things. He just asked me, you
7 know, "What do you want to do?" I said, "I want to go
8 to Destin." He said, well, you need to hit this and
9 this. And I just hit everything he said.

10 MS. DANIELS-HILL: What other perks
11 were they offering other reps?

12 THE WITNESS: They would probably give
13 them money or something like that.

14 MS. DANIELS-HILL: Did they use any
15 other property that they had owned privately --

16 THE WITNESS: No.

17 MS. DANIELS-HILL: -- to give perks?

18 THE WITNESS: I don't know that. I
19 don't know that.

20 BY MR. KEEN:

21 Q. Do you know -- it sounds like -- well,
22 do you know if any of this real estate was owned
23 either by Solar Titan, Titan Charters, Ideal
24 Horizons, or was it always, to your knowledge, owned
25 by an individual?

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1 A. Everything that I have seen on paper has
2 been Michael Atnip. There might be something out
3 there owned by Solar Titan. I do not know that.
4 Sam, I can only tell you what I've actually seen on
5 paper.

6 Q. Did Sarah own any other real estate
7 besides this home in Fort Loudoun?

8 A. I think Sarah owns, like, two homes now.

9 Q. And I know that you said this, but did
10 it seem like this money just came out of nowhere,
11 that they were just spending money it sounds like
12 pretty recklessly on these things? You don't have
13 any idea where they got it?

14 A. No, I do not. Literally, the company
15 done \$200 million in sales last year. That's --
16 roughly they probably cleared between 30 and
17 \$40 million and probably could have done more than
18 that from what I've -- just based on the
19 calculations percent-wise. I don't know if all the
20 money came from the company or not. There was a lot
21 of money spent -- let's put it that way -- from
22 them.

23 Q. Does the company have any debts that you
24 are aware of?

25 A. I'm not aware of that.

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1 MS. DANIELS-HILL: You said that you
2 had to lend them money to buy a smaller house. How
3 much did you have to lend them?

4 THE WITNESS: That was something
5 that -- I'm going to keep that off the record. Can we
6 go off the record for a second?

7 MR. KEEN: Yes, go off the record.

8 (Recess taken from 3:10 P.M.
9 to 3:22 P.M.)

10 BY MR. KEEN:

11 Q. So when you first met Craig Kelley and
12 Michael Atnip -- or not when you first met them, but
13 whenever you first joined them at Solar Titan, they
14 were struggling financially?

15 A. Yes. To back up a little bit, let me
16 interrupt you so you will understand that part.
17 When I met them -- when I met Craig originally, he
18 was working at Club Exploria. That's in Gatlinburg.
19 They was literally struggling then. We probably
20 worked together about six months.

21 He purchased a home in Knoxville, and the
22 lady that actually gave him the money for the home
23 purchase -- part of it -- was a lady known by Terry
24 Sipes or Snipes. I forgot how her name is actually
25 pronounced. She was employed at Holiday Inn Resorts.

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1 Later they moved forward and she was hired by the
2 company. And then later she quit because of the way
3 that she was being treated by Craig.

4 Q. So Terry was hired by Solar Titan?

5 A. Yes.

6 Q. Hired away from Holiday Inn presumably
7 doing time-shares?

8 A. Yes. They was very good friends.

9 She -- when she resigned, she wrote a letter to
10 him -- a very personal letter to him explaining
11 about the multiple times that she has loaned him
12 money to purchase homes in Knoxville or give him
13 money where he could actually leave Vegas, him and
14 his family, to get to Tennessee. Her phone number
15 is -- if you want to contact her, her number is
16 865-660-5767.

17 Q. And you said that she wrote a letter.
18 Is this a letter that you've seen?

19 A. I've not officially seen the letter.
20 The letter that was wrote was sent to a lady by the
21 name of Kay Warren. Craig actually personally
22 showed the letter to Kay and had Kay to read the
23 letter. And Kay told Craig that, "I would never
24 show that letter to no one if I was you." It
25 literally states each time that she has financially

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1 helped him and Michael out, and it was multiple
2 times. The home they lived in Knoxville prior to

3 Solar Titan -- it was a very small home. She
4 actually gave them the money to even purchase the
5 home.

6 MS. DANIELS-HILL: When you say
7 "small," do you know like -- what do you mean by how
8 small?

9 THE WITNESS: To me an 1,800 -- well,
10 1,500 square foot is small. But everybody has their
11 difference how, you know -- coming from -- prior to him
12 living in Knoxville, they lived in a hotel room I want
13 to think for roughly three to six weeks.

14 BY MR. KEEN:

15 Q. In Gatlinburg?

16 A. Yes.

17 Q. But either way, it wasn't an
18 \$8.2 million house?

19 A. That's correct. That leads me back to
20 the money coming out of nowhere.

21 Q. And so during this time when they're
22 asking customers who have canceled within the
23 three-day period to pay their 30 percent share or
24 else they're not going to let them out of their
25 loan, they're buying \$8 million houses?

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1 A. That is correct.

2 Q. Presumably with money that they got from
3 the sales -- you know, at least in part; right?

4 A. Correct.

5 Q. Of these sales that have been canceled?

6 A. They are buying homes with money they
7 don't have.

8 MS. DANIELS-HILL: To your knowledge,
9 they don't have any different types of employment?
10 They're not getting paid from doing any types of other
11 business that you're aware of?

12 THE WITNESS: Nothing that I'm aware
13 of.

14 BY MR. KEEN:

15 Q. Besides this Titan Charter thing. Let's
16 go back real quick, though, before we get into that.
17 So they're buying homes. You said they are buying a
18 bunch of Tesla Model 3s. Is that because -- does
19 that have something to do with the solar industry?

20 A. I do not that -- specifically why they
21 buy that model. A lot of the company employees
22 drives a Tesla. The company gives a lot of their
23 directors -- they call it directors that runs the
24 department -- a Tesla car to drive.

25 Q. Like a company car?

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1 A. Uh-huh.

2 Q. And so these Teslas -- do you know if

3 they're owned by individuals or owned by the
4 company?

5 A. I am aware that they're actually owned
6 by the company.

7 MS. DANIELS-HILL: How many employees
8 are considered directors that are getting these Teslas?

9 THE WITNESS: I'm going to say there's
10 at least five or six or maybe more. We have -- we -- I
11 keep saying we. They have employees there that's
12 making an extraordinary amount of money and doing
13 literally nothing, and they are friends of the owners.
14 And they literally I would say, you know, would do less
15 than nothing. They might just talk to people on the
16 phone or do something.

17 They all have a job and just -- it's
18 just the pay -- it's a little higher than I think -- we
19 have employees there that does little sales --
20 different types of sales, and they're clearing 3- or
21 400,000 a year, and I don't see how they pay for their
22 position.

23 My position -- the money I made, I
24 actually paid for it going forward off the sales that I
25 made. But literally you've got people in there that's

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1 doing nothing and making, you know, six figures.

2 MS. DANIELS-HILL: Have they gotten
3 rid of these Teslas in recent months?

4 THE WITNESS: They have got rid of --
5 selling a few cars here within the last 30 to 60 days.
6 I'm thinking that they have got into a money crunch or
7 they're just hoarding money for what's to come.

8 I was told by the front desk lady that
9 they have already been served a little bit over 70
10 lawsuits so far to date from different people and from,
11 like, groups together. I don't know that to be a fact.
12 Like I said, the lady told me. She also said that they
13 have already retained an attorney too. He's in
14 Nashville here.

15 MS. DANIELS-HILL: Who's this lady
16 that's telling you this?

17 THE WITNESS: I plead the Fifth on her
18 name, because she's still employed with the company.

19 BY MR. KEEN:

20 Q. So they're selling cars --

21 A. But a lady of interest would be Lakea
22 Helton. She's still employed with the company.

23 Q. Do you know is she employed as of today?

24 A. Yes.

25 Q. A lot of people have left -- right? --

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1 in the last several weeks?

2 A. Yes. In the several months -- we was --

3 they was probably close to I'm going to say 200-plus
4 employees, and now they're probably down to less
5 than -- I don't know -- I mean, at one time they had
6 up to about 400 employees. And since the majority
7 of the sales reps just left, and the -- I'm going to
8 say they're less than a hundred. I might be wrong
9 about that now. I do not know that to be a fact.
10 Just from when I go in the office and visit, there's
11 people not at cubicles. There used to be -- all the
12 cubicles used to be filled. To me, it's like a
13 skeleton crew there now.

14 I was told that all the hiring has stopped.
15 They will not be hiring no one going forward until they
16 get things worked out. They have cut back on their
17 marketing, but they are using a company called Sun of
18 America to run some of their ads on.

19 Q. Sun of America? I presume S-U-N?

20 A. Yes. And I actually entered my
21 information, and it was a Solar Titan person that
22 called me. So I don't know where the name Sun of
23 America came from, but whoever came up with that
24 name -- they ought to be fired, because that's the
25 worst name for a solar company I could ever think

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1 of.

2 Q. You said that they're selling cars in
3 anticipation of what's to come.

4 A. I don't know why that's actually
5 happened, Sam. I just know in my past when I got
6 low on money or someone got low on money, we would
7 start getting rid of the extra things that we didn't
8 need. That's what I thought in my head. They're
9 getting low on money or spent more and they're
10 getting -- they had to get rid of a few things.

11 MS. DANIELS-HILL: Would you say that
12 they started getting rid of things after all these
13 lawsuits and complaints started?

14 THE WITNESS: Yes. This all happened
15 in less than 60 to 90 days is when this all started
16 flowing.

17 MS. DANIELS-HILL: Are there any other
18 company assets than the Tesla cars?

19 THE WITNESS: I don't know if the
20 boats are actually in the company's name or not. They
21 used to own two boats, four Jet Skis.

22 MS. DANIELS-HILL: Have the boats ever
23 been used in some way for employees?

24 THE WITNESS: I've actually been on a
25 boat ride with them.

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1 MS. DANIELS-HILL: What were you on
2 the boat ride with them for?

3 THE WITNESS: The purchase of the one
4 that they bought, the big one. I was on the purchase
5 for that one.

6 BY MR. KEEN:

7 Q. The \$1.8 million one they bought for
8 cash?

9 A. That's right, uh-huh.

10 Q. Do you know what kind of boat it was?

11 A. Uh-huh.

12 Q. What kind?

13 A. It was a 455 Everglade.

14 Q. Is this, like, a yacht that you can stay
15 overnight on?

16 A. You could. It's a 50-plus-footer
17 fishing vessel.

18 Q. And these boats -- are they all housed
19 in the Gulf area?

20 A. Uh-huh. (Witness moves head up and
21 down.)

22 Q. All right. They have them like in a
23 marina or something?

24 A. They do. They have it in the marina
25 in -- the last time I was there, they have it in a

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1 marina in Destin. That is the biggest one there.

2 Q. And it sounds like they use these for
3 their own personal endeavors? They go out on their
4 own with them?

5 A. I've been down there twice with them on
6 that. Once when they picked it up. We vacation
7 down there. We've vacationed in Destin for many,
8 many years. My mother bought a home down there last
9 year. Versus staying in -- my mother stayed last
10 year with us in December. And then actually in
11 January of this year she bought a retirement home
12 down there. So we're still going to be going down
13 there.

14 But when I was with them, he actually had
15 his mother and father with him that week. Well, we --
16 we was down there for four days is when they actually
17 bought that boat. As far as personal use, I don't know
18 that.

19 Q. So is it being used by Titan Charters
20 to, like, take folks out fishing and stuff?

21 A. I don't know that. I'm not there to
22 witness it.

23 Q. I was just wondering if you knew that or
24 not, if he had mentioned it. But you said he paid
25 cash meaning did he write a check or do a wire

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1 transfer?

2 A. We had -- he had money in the bag I

3 carried, which I did not know, and it was a wire
4 transfer.

5 Q. Cash?

6 A. Yes.

7 Q. How much cash?

8 A. I don't know. I left.

9 Q. Wow.

10 A. I handed it to him and he opened up. I
11 said a few choice words, and I turned and walked off
12 because I did not want no part of it.

13 Q. You said you told him choice words. You
14 told Craig choice words?

15 A. I told Michael.

16 Q. You were upset that Michael made you
17 hold this bag of money that you didn't know was a
18 bag of money?

19 A. That's correct.

20 Q. And I imagine too -- I don't want to put
21 words in your mouth. So -- but you're probably not
22 happy about the fact that they are spending this
23 amount of money whenever their employees aren't
24 being timely paid and whenever their customers are
25 having all these issues?

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1 A. This all happened the same month that
2 everything started happening. October was when they
3 bought the boat, last year, and that's when pretty
4 much everything started going downhill.

5 That's when at the last -- I did not find
6 out about the pay grade until December. We sat down
7 and we had like a Christmas breakfast, and that's when
8 I was instructed -- because my first initial thing we
9 eat breakfast, we talked, and I went into something and
10 I started talking about how pay has recently changed.
11 And then they went into detail and explained to me that
12 they have recently changed pay.

13 And I asked them how they changed pay, and
14 they said, "Well, it will benefit you more. You'll get
15 more money back." And I said, "Okay." Then as I
16 started learning about how the pay worked, if you sold
17 a system upfront \$50,000, they would take what's called
18 an administration fee out of them, which is 18 percent.
19 So 18 percent of the 50,000 deducted, you would get
20 paid 4 -- 5 percent on that remaining cost.

21 And, for me, that was a pay cut. I was
22 losing about 200 -- 2- to \$300 per job, but at the time
23 I did not know that. I did not figure that out until
24 March what was actually happening. That was actually
25 kept secret, and by then we was already into it.

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1 Q. Did they change the time frame in which
2 you got paid? Because it used to be you got half of

3 your commission at the time of sale and then half
4 when glass was on the roof.

5 A. No. That actually changed later. So
6 the first of October was when they bought the boat,
7 and then later in the month of October is when I
8 found out about all the changes and started having
9 complaints going into December from all the
10 customers of what's going on with the systems.

11 And then as far as the pay change, I did
12 not see -- I was told about it in December. It was
13 told to me that was an increase, which actually was a
14 decrease, and I did not actually see the first payment
15 happen until about February. February, March is when I
16 actually started adding up the math, because the math
17 was not coming up correctly on what I was supposed to
18 be making.

19 And then I started complaining about it,
20 and I was told, "That's the way it is. You signed for
21 it." I said, "I never signed for nothing. You changed
22 it automatically." Then coming this April they changed
23 it again without anyone even knowing about to what it
24 is today.

25 Q. What is it?

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1 A. If you sold a job today, they would give
2 you 25 percent of the money. So if it was \$100,
3 they would give you \$25 and they would not pay you
4 the other 75 till six to nine months down the road.
5 The reason why they do that is in their agreement
6 with you is if you leave, they keep your money.
7 They don't have to pay you.

8 Q. They say that this is what you signed in
9 the non-disclosure agreement?

10 A. Yes, which I have never signed.

11 Q. But you never signed it?

12 A. That's correct.

13 MS. DANIELS-HILL: Did that also
14 correspond with how long it's taking for these systems
15 to be operational, the six to nine months?

16 THE WITNESS: That is what they're
17 saying. Literally, I have another friend that has a
18 solar company, and he is literally getting
19 installations from the sale to the end in four weeks to
20 five weeks. It's not that the electric companies are
21 against the companies. It's just the company is not
22 doing the work or they're trying to avoid costs because
23 to get a permit in some of these counties are anywhere
24 up to \$1,500 or more.

25 And this gentleman is actually getting

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1 the permits before he even installs. So he is actually
2 doing it the correct way. And then there's this other
3 company over here that does it the shady way, and
4 that's why that we're here today.

5 MS. DANIELS-HILL: I want to ask him
6 about the assets. So the Jet Skis -- were they also
7 acquired in October of 2021?

8 THE WITNESS: They probably was --
9 they was there before I was. There was another boat
10 there too before I was. There was a 50- to 60-foot
11 Formula cabin cruiser, which is a big old -- big
12 sleeping boat you can sleep in overnight. It's got
13 three staterooms and two baths in it.

14 MS. DANIELS-HILL: If they didn't have
15 any money, how were they getting those?

16 THE WITNESS: I don't know. You tell
17 me.

18 MS. DANIELS-HILL: Were there any
19 other, like, company outings? You said there was a
20 Christmas breakfast, for example. Were there any other
21 outings or anything like that?

22 THE WITNESS: We would -- we would do,
23 like, breakfast. We would occasionally go out to
24 dinner. They would treat me to dinner going out. No.
25 I mean, that's all I could think of. They would have

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1 like -- they had, like, little get-togethers for the
2 whole company. I would never really go to those,
3 because I was never really -- took place -- part in the
4 company as far as the other employees. As I said, I
5 only answered to -- if I even answered -- was to Craig
6 Kelley. Literally --

7 MS. DANIELS-HILL: But they did have
8 employee parties then?

9 THE WITNESS: I'm assuming they had
10 one or two. I remember seeing some kind of emails
11 about them. I never did attend those parties.

12 MS. DANIELS-HILL: Do you know where
13 those would normally be located?

14 THE WITNESS: They would either be at
15 the company or they would do a restaurant party.

16 BY MR. KEEN:

17 Q. Let's talk about this plane for a
18 second. They just had one plane?

19 A. Yes.

20 Q. And this plane -- do you know who owned
21 it, who it was titled to?

22 A. It was probably titled to Michael Atnip.
23 It was an SR22 that was a Cirrus, C-I-R-R-U-S.
24 They're out of Knoxville, Tennessee. He was taking
25 flying lessons through Cirrus with that.

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1 I think there was another one purchased
2 later. We actually flew down on a private jet when we
3 went down which was a Cirrus jet. I think that was
4 purchased through a company. I don't think they
5 actually owned it directly. It was a lease.

6 MS. DANIELS-HILL: When was the SR2020
7 purchased?

8 THE WITNESS: It was purchased
9 possibly this year.

10 BY MR. KEEN:

11 Q. So Michael owned this plane. He was
12 taking flying lessons?

13 A. I don't know if Michael owns the plane
14 or Solar Titan owns the plane, but I do know that
15 Michael flew down to Alabama let's say four to six
16 weeks ago and was showing off to his family and
17 taking them all out to dinner and flew back. I'm
18 fully aware of that.

19 Q. Four to six weeks ago Michael takes this
20 plane -- it's a small jet? It's not a prop?

21 A. Correct.

22 Q. So four to six weeks, he shows off to
23 his family, comes back -- flies back. What is he on
24 a student license or do you know?

25 A. I think he had a copilot with him.

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- 1 Q. Okay. But you've said since then, is
2 it -- this is the plane that has been either sold or
3 repossessed?
- 4 A. Yes.
- 5 Q. So, to your knowledge, there was a loan
6 on the plane that may not have been paid? Either
7 that or the plane was sold?
- 8 A. That's correct. Everything they had in
9 Florida -- homes-wise, they had the home in Florida.
10 They also had another lot they was building on.
11 That has been sold, and the home in Florida has been
12 sold. Plus one or two of the boats has been sold.
- 13 Q. What time frame are we talking?
- 14 A. We'll say less than four to six weeks.
- 15 Q. From today?
- 16 A. Yes. All this stuff started happening
17 when all the negative ads came on TV. Pretty much
18 when everybody started their investigation.
- 19 Q. This other plane now that is being
20 leased, is that something that they use for their
21 own personal stuff or do they -- is that something
22 that's related to their charter business?
- 23 A. That is their personal. That's
24 purchased on their jet card.
- 25 Q. What is a jet card?

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1 A. Where you pay -- let's say, for example,
2 you pay \$50,000 down and you get, like, 20 hours of

3 flying time with it.

4 Q. So like a club?

5 A. Yes.

6 Q. Is it your understanding that the
7 charter company is most -- or not mostly. Is it all
8 just boats and fishing charters or is there anything
9 to do with planes?

10 A. I think it's boats -- fishing and boats.

11 MS. DANIELS-HILL: Do you know if they
12 sold any of these things to anyone that they know?

13 THE WITNESS: I do not know that.

14 BY MR. KEEN:

15 Q. Have you talked to Craig about -- you
16 said that you're owed roughly \$70,000?

17 A. Yes.

18 Q. Have you talked to Craig about getting
19 paid for this?

20 A. I have.

21 Q. What has he said?

22 A. He denies it.

23 Q. He denies that you're owed the money?

24 A. Yes.

25 Q. Why does he say -- what's his basis for

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1 saying he doesn't owe you the money?

2 A. Of the pay change that they had made.

3 Q. Oh. So like the fact that you left
4 before your six to nine months?

5 A. Well, if you go back and look at the
6 things that they've changed without anyone knowing
7 about it, that's where it's actually added up. I
8 mean, to date just for last week or the week before
9 last, there's already \$20,000 due to me right now
10 that I probably will never see a dime of it.

11 Q. Why do you think you won't see a dime of
12 it?

13 A. Because of his agreement states, even
14 though I never did sign it -- I literally will have
15 to get legal involved in it to even get my money
16 from him just on jobs that I've already sold that's
17 due.

18 Richard Coomer is one. I am due \$1,430.
19 Shelly Klem is due -- I am due \$860. Kevin Grim --
20 this is a customer that was sold back in January that's
21 still not connected, and he's in Kentucky. I'm due
22 \$2,000 on that job.

23 Q. When is the last time you talked to
24 Craig about money?

25 A. We had that conversation last week.

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1 Q. Can you tell me about that conversation.

2 A. It was short and quick. It turned into
3 an argument.

4 Q. How did it start?

5 A. It started by a text message. He asked
6 me if I would continue to work for him. I told him
7 what I would require if I decided to work, which I
8 was trying to get all my money paid, that I was not
9 going to go forward with him. But he said -- he
10 said, "If you will come back," he said, "I will pay
11 you in full." I said, "Okay."

12 The week before that -- this backs up two
13 or three weeks. I worked a little bit that week.
14 Luckily for me, all the appointments that I went to
15 canceled. When I got to the home, I made some kind of
16 excuse up just to get them to cancel. It came that
17 Friday I was not paid, and I literally called in and
18 told him that I resigned immediately. And he asked me
19 why. And I said, "Because you've not paid me." And
20 that was the end of story.

21 And then Friday of last week HR sent me all
22 of paperwork for the resignation, and the things that
23 should have been put on the resignation was not put
24 down accurate -- correctly. He also sent me a
25 no-trespassing order saying I'm no longer allowed on

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1 the property, that I would be picked up if I am.

2 Which you can actually use this if you want
3 to see this. Let me go through everything. There is
4 the unemployment compensation. There is the separation
5 notice stating that I quit -- nothing about payment
6 that was due -- and an exit interview that I did not
7 complete. I don't know if you want this or not, but
8 you are welcome to review it.

9 MS. DANIELS-HILL: While he's
10 reviewing that, I just have a few other questions.

11 THE WITNESS: You've always got
12 questions, but continue.

13 MS. DANIELS-HILL: I do. Have either
14 Craig, Michael, or Sarah K. relocated and gone to
15 another state?

16 THE WITNESS: When I -- what I know
17 about Craig, he originally was in Tennessee. He went
18 to Florida. Something happened in Florida. He moved
19 from Florida to Las Vegas, and then whatever happened
20 in Vegas brought him back to Tennessee.

21 MS. DANIELS-HILL: I mean, since
22 coming to Tennessee --

23 THE WITNESS: No.

24 MS. DANIELS-HILL: -- have any of them
25 relocated?

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1 THE WITNESS: They all have lived in
2 Knoxville, unless they have changed their address to

3 Florida. I -- that's -- I know if you look up his
4 name, you can see multiple addresses in Florida. I
5 have never seen or been to none of them.

6 MS. DANIELS-HILL: But to your
7 knowledge, they're still here in Knoxville?

8 THE WITNESS: Yes.

9 MS. DANIELS-HILL: To your knowledge,
10 have they been open in telling everyone about the
11 assets they're getting rid of and why?

12 THE WITNESS: No. No, they have not.

13 MS. DANIELS-HILL: So who have they
14 told and who have they kept that information from?

15 THE WITNESS: I would not officially
16 know that. Craig and I became friends -- I would
17 probably say we became pretty close friends, and then
18 from what I witnessed, the shadiness, the lying, I kind
19 of locked myself away from him. I'm not a fan of
20 the -- you know, if you're telling me something and
21 you're doing something else, I'm just not a fan of
22 that.

23 And I'm probably assuming we became
24 friends because of sales and stuff like that. As far
25 as hanging out with him, we have been out -- me and my

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1 wife and daughter have been out with him and Michael
2 and their son probably in the last six, seven years
3 probably not one time together. My wife does not care
4 to be around them, none of them. But I have been out
5 to breakfast and lunch with them and dinner before just
6 because they've called or I've called them.

7 You know, prior to everything started,
8 we did go out. I wouldn't say for much, but we would
9 go out for wings or do the guy thing. And as our
10 relationship developed -- no love, not like that. But
11 as a friendship developed, we would go out and go out
12 to eat. One of our things was food. Food brings
13 everybody together. But I have been to his home; he's
14 been to my home.

15 MS. DANIELS-HILL: Are you aware if
16 any of these assets are being sold for much less than
17 they're worth?

18 THE WITNESS: I have no idea. I don't
19 even know what they're actually being sold for as far
20 as a value-wise and the number. I don't know that.

21 There is some stuff I just -- I don't
22 ask. I know it's none of my concern. I just know when
23 they buy an \$8.6 million home and they ask you the next
24 week to come to a barbecue and they ain't paid you in
25 about three or four weeks, it kind of pisses you off.

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1 BY MR. KEEN:

2 Q. My last question is just -- I remember

3 you mentioned this, and I just want to make sure
4 that I'm not missing it. Whenever you went with
5 Michael to buy that boat and you had that bag full
6 of cash he didn't tell you about, and then you said
7 you-all exchanged words, do you remember the details
8 of that conversation?

9 A. I do.

10 Q. Can you kind of tell me what -- how it
11 went? What did you say to him first?

12 A. "What the F-U-C-K?"

13 Q. And then what did he say?

14 A. He laughed. He said, "You're the only
15 one here with a firearm."

16 Q. With a what?

17 A. With a firearm. He said, "I felt safer
18 with you carrying it than anyone."

19 Q. And then so you just left it with them?

20 A. I handed it to him and went outside.

21 Anything that they did financially, I wanted no part
22 of it. When they was on the phone talking, I
23 would -- if we was out on a sales call, I would tell
24 Craig to -- I would literally would tell him, "Hush.
25 Don't talk about this. I don't want to know your

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1 financials, and I don't want no part of that."

2 And I literally saw them coming from
3 driving a Volkswagen to now they're driving hundred
4 thousand dollar cars like it's nothing.

5 Q. I'm going to call this your resignation
6 packet or something that the company sent you. I do
7 want to have it made an exhibit.

8 MS. DANIELS-HILL: Is that your only
9 copy of that packet?

10 THE WITNESS: I can print it off. I
11 still have access to my emails. I just cannot -- but
12 that's fine. Could we make a copy of that just in case
13 because I am going to -- my attorney is going to write
14 a letter to the employment office --

15 BY MR. KEEN:

16 Q. Yes, absolutely.

17 A. -- to clarify some things on there.

18 Q. Have you applied for unemployment?

19 A. No.

20 Q. Yes. If it's okay -- just to lay a
21 foundation for this real quickly. This is -- tell
22 me again what this is.

23 A. That is the termination -- employment of
24 termination -- or termination of employment. That
25 was sent from HR to me stating that I quit with

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1 Solar Titan. That does not specify why I quit for,
2 no reason. She literally put her own words into it.

3 I'm assuming that she was informed by Craig Kelley.

4 Q. Who is "she"?

5 A. What's her name? I can't see that far.
6 Rebecca Green.

7 Q. When was that sent to you?

8 A. That was dated July the 29th.

9 Q. And you haven't made any alterations or
10 anything to this?

11 A. No.

12 MR. KEEN: Let's have that added in as
13 an exhibit.

14 (Marked Exhibit 8.)

15 MR. KEEN: I think I'm good on
16 questions personally.

17 MS. DANIELS-HILL: Me too.

18 BY MR. KEEN:

19 Q. Well, let me ask you this real quick.
20 Did you do a resignation email or anything?

21 A. No.

22 Q. And just do you recall exactly when your
23 last day was working?

24 A. It was official the 21st, which was a
25 Thursday.

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